

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LADY MAAKIA CHARLENE SMITH, )  
personal representative of the Estate of BILAL )  
HASANIE HILL, deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 ) Case No. 4:20-CV-00804-JMB  
ADVANCED CORRECTIONAL )  
HEALTHCARE, INC.; DR. ARTHUR )  
BENTLEY, Individually and in His Official )  
Capacity as a Medical Services Provider at )  
Phelps County; DIONNE KELLEY; KELLY )  
RATCLIFF, LIEUTENANT JOE TAYLOR; )  
DR. TRAVIS SCHAMBER, )  
 )  
Defendants. )

**DECLARATION AS TO REASONABLENESS OF ATTORNEYS' FEES**

I, James F. Bennett, Esq., pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. My name is James Bennett. I am over the age of 18 and am competent to testify.

**I. BACKGROUND**

2. I graduated from Westminster College in 1992 with a Bachelor of Arts Degree in Political Science. I graduated *Order of the Coif* from Vanderbilt Law School in 1995. While at Vanderbilt Law School, I served on the Vanderbilt Law Review as an articles editor.

3. After graduating from Vanderbilt Law School, I clerked for the Hon. J. L. Edmondson, United States Circuit Judge for the Eleventh Circuit, Atlanta, GA. I thereafter clerked for the Hon. Anthony M. Kennedy, then Associate Justice of the United States Supreme Court.

4. In private practice, I worked as an associate and then a partner at Bryan Cave LLP in St. Louis. In total, I practiced at that firm for approximately 9 years. In 2006, I founded Dowd

Bennett LLP, where I serve as managing partner. My career has been exclusively in litigation, and I have practiced in this Court routinely for over 20 years.

5. I am a Fellow with the American College of Trial Lawyers, a Senior Fellow with the Litigation Counsel of America, and was selected to join the International Academy of Trial Lawyers. I have served on the Executive Committee of the American Inns of Court chapter in St. Louis, served on the national board of directors for the American Inns of Court, and was appointed by Chief Justices Rehnquist and Roberts to serve two three-year terms on the Judicial Conference Federal Appellate Rules Advisory Committee.

6. At the Bar Association of Metropolitan St. Louis annual Law Day event in May 2022, I received the Distinguished Lawyer Award, which is the highest honor given by the association for a lawyer who has made a great and lasting contribution to the St. Louis region.

7. I also have been recognized as:

- “Lawyer of the Year” for Bet-the-Company Litigation in the St. Louis area
- One of the “Lawyers of the Year” by Missouri Lawyers Weekly
- “Law Firm Leader of the Year” by Missouri Lawyers Weekly
- “Client Service All Star” by BTI Consulting
- “Tier One” counsel by U.S. News and World Report
- “Band 1” leading litigator by Chambers USA in multiple categories

8. Since becoming a member of the bar of this Court in approximately 1996, I have been responsible for prosecuting and defending innumerable cases in this district. I have tried eight cases to judgment in the Eastern District of Missouri, including both jury trials and bench trials, several of which were of similar length and complexity to this case or longer, and have tried to judgment many other cases in the Missouri courts and across the country. I have been lead

counsel in contested evidentiary hearings. I have handled all aspects of complex cases in this district, including (a) the initial filing of cases; (b) discovery practice and disputes; (c) working with experts; (d) dispositive motions, including motions for summary judgment; (e) pre-trial activities; (f) trials; and (g) post-trial motions. I have been responsible for many appeals from this district to the Eighth Circuit and have argued approximately 15 times before that Court.

9. This case presented important issues related to discovery duties, medical causation, expert witnesses, and summary judgment practice. I have been lead trial counsel in cases involving complex issues of medical diagnoses and medical causation, including those involving claims of wrongful death and substantial claims of pain and suffering. I have similar experience in the Missouri state court system, as well as other federal and state jurisdictions. I have extensive experience with the standards for the admission of expert witnesses, as well as the work required to prepare reports, handle depositions, and present at trial. I have been responsible for the briefing and argument of many motions to dismiss and summary judgment in this district and in other federal and state courts.

10. I have experience regarding the reasonableness of legal fees in the St. Louis market. I routinely practice in this geographic area and as such am aware of fees charged and the work and expense associated with various tasks in the litigation process. I am often responsible for associating with or recommending other lawyers to clients in this market. I have experience representing law firms regarding the reasonableness of legal fees under Missouri Rule of Professional Conduct 4-1.5. I have worked with expert witnesses on this subject. I have been responsible for preparing applications for an award of legal fees and have defended claims where an opposing party has sought legal fees.

11. I have been responsible on a daily basis for many years for the efficient and cost-effective staffing of teams to handle litigation, including in this district. This experience includes consulting with clients about what work is necessary to properly handle the case; selecting the lawyers to work on each case; assigning tasks within that case to lawyers with the appropriate level of experience; and reviewing work to ensure that necessary work is completed and unnecessary work is not undertaken.

## II. REQUESTED OPINION

12. I have been asked to provide an opinion in this matter regarding the reasonableness of the attorneys' fees related to Plaintiff Lady Maakia Charlene Smith's assertion of her claims against Defendants Advanced Correctional Healthcare, Inc., Dr. Arthur Bentley, and Ms. Dionne Kelley (collectively "Defendants") in the case filed in the United States District Court for the Eastern District of Missouri, Case No. 4:20-CV-00804-JMB, captioned *Lady Maakia Charlene Smith, personal representative of the Estate of Bilal Hasanie Hill, deceased v. Advanced Correctional Healthcare, Inc., et al.* (the "Hill Case").

13. I am being compensated in this matter at the hourly billing rate of \$875 per hour for time spent opining on this matter. My compensation does not depend on the results of this request for attorneys' fees.

## III. OPINION

14. In my opinion, for the reasons explained below, the attorneys' fees incurred by Plaintiff in this matter in the amount of \$1,607,694.40 are reasonable and were necessarily incurred.<sup>1</sup>

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<sup>1</sup> This figure represents fees for 11 timekeepers for time recorded between the inception of the case in May 2020, through May 31, 2022. I understand that Plaintiff's counsel is also requesting recovery of the fees incurred to write this motion and will be submitting additional hours related thereto. My opinion as to the reasonableness of the rates remains the same for the supplemental fees incurred in bringing this motion.

#### **IV. DOCUMENTS AND INFORMATION REVIEWED**

15. I base my opinion regarding the reasonableness and necessity of the requested attorney's fees on my knowledge and experience, as well my review of the information listed below. At all times I was provided access to the records and information I believed were necessary for me to evaluate the facts and circumstances in pre-trial proceedings and trial of the Hill Case.

16. My review consisted of the following:

- The court docket in this matter, including a review of key pleadings, motions and associated briefs, and orders;
- The data files reflecting the detailed contemporaneous records of time applied and billed to this matter by Shook, Hardy & Bacon;
- The biographical information concerning each timekeeper, including their title, job duties and responsibilities, and years of experience;
- The market rate for legal services in the Eastern District of Missouri;
- Missouri Rule of Professional Conduct 4-1.5<sup>2</sup>; and
- Interviews with Charles Eblen, Esq. and Brandon Gutshall, Esq. concerning the representation in this matter and the scope of the relationship between Plaintiff and Shook, Hardy & Bacon.

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<sup>2</sup> Under Rule 4-1.5, the factors to be considered in determining the reasonableness of a fee include:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;  
(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;  
(3) the fee customarily charged in the locality for similar legal services;  
(4) the amount involved and the results obtained;  
(5) the time limitations imposed by the client or by the circumstances;  
(6) the nature and length of the professional relationship with the client;  
(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and  
(8) whether the fee is fixed or contingent.

## V. BASIS FOR OPINION

17. In arriving at the amount of a reasonable fee, I have specifically considered the following factors from Rule 4-1.5, as they relate to this matter:

*a. The Time and Labor Required*

18. In my opinion, the fees incurred by Plaintiff are reasonable because Shook, Hardy & Bacon's bills reflect a reasonable amount of time and labor required to accomplish the tasks effectively and efficiently. Shook, Hardy & Bacon has submitted records reflecting time committed to this case in the amount of 3,351 hours. This time was allocated 41% to partners, 17% to associates, and 42% to staff, an allocation that appears reasonable on its face and is in fact reasonable when analyzed in detail as to the nature of work performed by each timekeeper. This time was expended over a 24-month period in a hard-fought case. In this case, Shook, Hardy & Bacon was required to:

- Address and fully brief many legal motions, including but not limited to a motion to dismiss, a motion for judgment on the pleadings, and motions for summary judgment;
- Address and fully brief discovery motions (including requests for sanctions for alleged discovery violations);
- Review and understand over 8,000 pages of produced documents;
- Respond to many interrogatories, requests for production, and requests for admissions;
- Prepare for and attend 29 depositions, including two 30(b)(6) witnesses;
- Coordinate with Plaintiff's medical experts;
- Prepare for Defendants' four experts;

- Know and deeply understand over 200 trial exhibits, comprising of thousands of pages; and
- Attend and participate in seven days of trial.

19. Moreover, a review of the contemporaneous time records demonstrates that they adequately describe tasks performed in sufficient detail to permit a reasonable understanding of the nature of the work performed, and the time spent performing each task. Further, review of these records reflects no unreasonable duplication of time or labor by the attorneys.

*b. The Novelty and Difficulty of the Questions Involved*

20. In my opinion, the fees incurred by Plaintiff are necessary and reasonable because the issues raised in this lawsuit were emotionally charged, complex, and difficult. As evidenced by the verdict, this was a high-stakes, high-damages injury case that was worked up and tried with the diligence and resources necessary to prosecute such a case. Plaintiff took over the case after her brother, the initial claimant, passed away due to the lung cancer that Defendants failed to treat. Plaintiff faced an uphill battle against a large, multi-state private company with a history of defending litigation. Defendants, who were experienced with this kind of claim, fought every step of this litigation, and are not typical §1983 defendants, such as municipalities. Additionally, the complexity of the underlying facts was greatly increased because Plaintiff was prepared to argue a lost chance of survival claim, which required analysis of Mr. Hill's medical condition prior to passing away as well as his likelihood of survival had he received appropriate treatment.

*c. The Skill and Expertise Required to Properly Handle the Case*

21. In my opinion, the fees incurred by Plaintiff are necessary and reasonable because Plaintiff's claims commanded the use of counsel with only the highest of skills and expertise. First, there was too much at stake to prosecute these claims without highly skilled and expert counsel.

This risk will be discussed in further detail below in the subsection dealing with the significance of the representation. Second, as identified above, some of the legal issues raised were complex and required the highest skillset as well.

*d. The Likelihood that the Acceptance of the Matter Would Preclude Other Employment by the Lawyer*

22. This factor does not apply and has therefore not been considered.

*e. The Fee, or Rate of Fee, Customarily Charged in this Locality for Legal Services of a Comparable or Similar Nature*

23. In my opinion, the fees incurred by Plaintiff are reasonable because the rate of fees charged by Shook, Hardy & Bacon in this matter are within the range of fee rates customarily charged in this district for legal services of a similar or comparable nature. In reaching this opinion, one fundamental question is defining what kinds of cases are of a “comparable or similar nature” to this one. This case is, in one sense, a civil rights case brought under § 1983. However, § 1983 cases present many different issues, just as describing a case as a “tort” matter does not describe the relative complexity of a specific case.

24. Section 1983 cases can vary dramatically in degree of risk, complexity, the need for discovery, the need for experts, and whether there will be a jury trial. This particular case is different from many § 1983 cases given that (a) the primary defendant is a private company with what I understand to be a long-standing approach of not settling and aggressively defending cases; (b) the case presented many issues requiring review of medical records, and the location and retention of medical experts regarding damages and causation; and (c) the case presented discovery and dispositive motion practice very much akin to high-stakes personal injury and medical malpractice cases. As a result, I define “cases of a comparable or similar nature” to this one as cases involving high-stakes litigation over a substantial sum of money involving expert witnesses,

anticipated dispositive motions, and jury trial work – a highly specialized field that commands higher rates than other types of work.

25. I am familiar with the rates charged in St. Louis and surrounding communities for this kind of high-stakes litigation. Based on my knowledge of the market and as described in more detail below, the rates requested in this matter are reasonable.

26. I have also reviewed several data points that I consider relevant:

- I reviewed the February 21, 2020, Order of Judge Webber in *Howard, et al. v. Cassity, et al.*, Case No. 4:09-CV-01252 (ED Mo.). This was a complex case that involved extensive expert work, complex issues, and contested litigation. (I represented the defendant PNC Bank in the appeal of the initial jury verdict and in the second trial.) In that case, Judge Webber approved partner rates that “ranged from \$425 – 712.69 an hour” for work performed in 2019 and 2020. ECF #3043, p.15. Judge Webber held, “Based on Missouri billing rates, the range conforms to rates charged by Missouri firms.” *Id.* I believe that the \$712/hour rate would have increased by approximately \$40/hour (or 3% per year) for work done in 2022.
- I have reviewed the Missouri Lawyer’s Weekly rate surveys for 2019, which I attach as Exhibit A. I am personally very familiar with the practices of the St. Louis lawyers listed in the 2019 survey in the “Highest Missouri Rates” categories. Those lawyers work on cases that are similar and comparable to a multi-million-dollar federal lawsuit involving complex issues and hard-fought litigation against a defendant that planned to defend the case all the way to trial. The listed lawyers in St. Louis include the Gray Ritter firm, who reported rates between \$695-\$865/hour. In addition, the Holland Law Firm is in St. Louis and its work often involves

complex cases, including those with extensive medical expert testimony. The rate for 2019 for that firm was \$850/hour. This high-end rate of \$850-865/hour remains indicative of the market for lead lawyers on cases of this nature. This market rate has not decreased in the past 2-3 years.

- I have reviewed the Missouri Lawyer's Weekly rate survey for 2021, which I attach as Exhibit B. (There was no survey in 2020 due to Covid-related court closings and the resulting lack of data regarding rates for 2020.) The 2021 Missouri Lawyers Weekly report noted that due to Covid, the available data was not as extensive as in the past. The top rate for a lawyer in Missouri in 2021 that is reported is \$790/hour. I am very familiar with that lawyer and knowledgeable about his practice and do view it as a relevant benchmark for work in this St. Louis case, even if his office is in Kansas City.
- Regarding the 2021 Missouri Lawyer's Weekly report, seven of the nine St. Louis lawyers listed practice at Armstrong Teasdale and the fees range between \$605 and \$650/hour. I reviewed the fee applications filed in the Eastern District of Missouri (and approved by the court) for the relevant matters, which are the Payless Bankruptcy (Case No. 19-40883-659, ECF #1927) and the Foresight Bankruptcy (Case No. 20-41308-659, ECF #676). This review confirmed that some of the work performed at approximately \$625/hour was for litigation or adversarial proceedings. (That work does not involve jury-trial work, which can be more complex.) In addition, the rates for the lead lawyers in these cases (from other cities) were approved at over \$1,000/hour, even though the case was filed in the Eastern District of Missouri. The review confirmed that those rates were for work

in 2020, which is now two years ago. Regardless, I view these court-approved fee applications for Armstrong Teasdale as a relevant data point (especially for the partner rates of Mr. Gutshall and Ms. Heinz) but believe that the lead-counsel jury-trial work at issue in this case commands higher fees in the market and that these rates have increased in the two years since 2020.

- I have reviewed this Court's prior ruling on attorney's fees in the context of a discovery dispute. ECF #183. In that ruling, the Court noted that Plaintiff had not provided documentation in support of the initial application and had not provided any affidavits as to the reasonableness of the fees sought. I understand that the first issue has been remedied, and as to the second issue, I have been asked to provide an affidavit as to reasonableness. Moreover, on the issue of defining what cases might be "similar" or "comparable" to this case, important events took place after that August 16, 2021, ruling related to discovery briefing. More than 80 docket entries followed the ruling and, most relevant for my opinions, the further development of the case and the evidence revealed at trial help to define the "similar" or "comparable" work for this case. Further, additional information regarding reasonable fees in this district is now available.
- I have also reviewed the two engagement letters provided to the Court *in camera* associated with the prior fee request discussed above. These letters indicate that the Shook, Hardy & Bacon team does actually achieve the rates set forth in the letters. It is evidence that rates are reasonable if clients are willing to pay those rates, albeit in different cases involving different legal theories. These rates are comparable to (or higher than) what is requested here.

27. As reflected in the time detail submitted for my review, Shook, Hardy & Bacon billed hourly rates that are within those customarily charged in the Eastern District of Missouri for legal services of a comparable or similar nature. In my opinion, and as set forth above, there are three relevant data points beyond my knowledge of rates reasonably charged in this market for the work of lead lawyers in cases: the inflation-adjusted rate (~\$750/hour) approved by Judge Webber in 2021; the range of St. Louis lawyers in the top-group of lawyers found in the 2019 Missouri Lawyers' Weekly report (~\$830/hour); and the top rate listed in the 2021 Missouri Lawyer's Weekly report (\$750).

*f. The Significance of or Amount Involved in the Subject Matter of the Representation*

28. In my opinion, the fees incurred by Plaintiff are necessary and reasonable because this matter was significant to Plaintiff, justifying the engagement of and payment for high quality counsel. This matter was significant in at least two respects. First, this matter was significant in terms of dollar exposure to Defendants as Plaintiff sought damages in excess of \$5 million. That is a significant number that merits the appropriate application of resources to bring this kind of claim. Second, and more important than the dollar exposure, this case was significant to Plaintiff in terms of vindicating her late brother's constitutional rights and protecting other inmates from Defendants' negligent practices. Recognizing how significant this case was to Plaintiff, Shook, Hardy & Bacon counsel did not treat her claims as a piece of routine litigation.

*g. The Responsibility Involved in the Representation and the Results Obtained*

29. In my opinion, the fees incurred by Plaintiff are necessary and reasonable in light of the result obtained. After two years of contentious litigation and seven trial days, Mr. Hill was completely vindicated by the jury's verdict that Defendants were liable for medical negligence and the Court's final judgment in favor of Plaintiff as to all claims.

30. In terms of evaluating the rates, hours, and degree of success obtained, it is useful to assess the overall value provided to the client who is represented by the attorneys. Fees that match or even exceed the result obtained (even if nominally a “victory” in the sense that the client prevailed on a claim) are considered in my experience to be a sign that either the rates were too high or the hours spent were not reasonable. In contrast, a situation where fees that are a reasonable percentage of the overall recovery is a sign that the lawyers provided significant value to the client and are reasonable. Here, the fee request when compared to the verdict is a strong sign that the case was staffed efficiently and that the rates are appropriate. While I have evaluated the hours spent and the rates independently, a reasonable fee usually exists when a reasonable client would believe that the fees charged are proportionate to the result obtained. This is a useful check on my overall opinion of reasonable of rates and hours. Here, Shook, Hardy & Bacon’s request meets this standard when the amount of the fees is compared to the result obtained.

*h. The Time Limitations Imposed by the Client or by the Circumstances*

31. This factor does not apply and was therefore not considered.

*i. The Nature and Length of the Professional Relationship with the Client*

32. This factor does not apply and was therefore not considered.

*j. The Experience, Reputation, Diligence, and Ability of the Lawyer or Lawyers Performing the Services*

33. In my opinion, the attorneys’ fees incurred by Plaintiff are reasonable in light of the experience, reputation, diligence, and ability of her legal team. I have reviewed the biographical information of each of the attorneys who participated on Plaintiff’s team and contributed to the total hours reflected above. They reflect excellent credentials, deep experience in the litigation, and trial of significant matters. They are high-caliber advocates who have earned their reputations through ethical, zealous, and effective representation of their clients. Their

backgrounds were described to me by the trial team and are included below and in the attached Exhibit C for the current members of the firm:

- **Charlie Eblen (Partner)** – Mr. Eblen has practiced law in Missouri for nearly 19 years and is a fellow in the American College of Trial Lawyers. He has also been selected to join the International Academy of Trial Lawyers. Mr. Eblen represents clients in high-stakes cases in jurisdictions across the United States and currently serves as national trial and appellate counsel for several multinational corporations. He has defended a range of clients in matters involving a wide variety of subjects, including the defense of international corporations in antitrust and RICO litigation; federal criminal and civil rights litigation on behalf of those unable to afford representation; complex commercial matters; as well as consumer protection, mass tort, catastrophic injury/wrongful death, class action, and product liability matters for many different industries. Prior to starting at Shook, Hardy & Bacon, he graduated *cum laude* from Tulane University Law School.
- **Brandon Gutshall (Partner)** – Mr. Gutshall has practiced law in Missouri for nearly 13 years. He serves as National Product Liability Counsel for a privately held \$2 billion company with more than 50 separate operating entities in diverse economic sectors. His litigation practice is concentrated on representing clients in a wide variety of complex business and product liability disputes, including multi-million-dollar claims relating to breach of contract, commercial fraud, insurance, and warranty actions. He also regularly performs litigation risk assessments in which he counsels clients to minimize their liability exposure. Prior to starting at Shook, he graduated from the University of Missouri Kansas City, School of Law

where he was the Editor-in-Chief of the UMKC Law Review and graduated number one in his law school class.

- **Lindsey Heinz (Partner)** – Ms. Heinz has practiced law in Missouri for nearly 13 years. She has litigated both individual and complex tort cases in state and federal courts throughout the country, and has experience in all stages of litigation, including case strategy and development, depositions, expert witness preparation, motion practice and trial. She also defends corporations facing class action claims, particularly those involving allegations of false and misleading marketing, and she has successfully defended against class certification. Prior to starting at Shook, Hardy & Bacon, she graduated from the University of Kansas School of Law where she served as the Managing Editor for *Kansas Law Review*.
- **Austin Borgmeyer (Sr. Associate)** – Ms. Borgmeyer, a former law clerk to the Honorable Judge David Gregory Kays of the Western District of Missouri, worked in the General Litigation group of Shook, Hardy & Bacon for over four years. During this time, she handled complex cases and was responsible for all litigation activities from the initial strategy and planning, to briefing motions for summary judgment. For this matter, she assisted with drafting the initial pleadings, as well as the motion related to sanctions.
- **Andre Tinoco (Sr. Associate)** – Mr. Tinoco, an associate at Shook, Hardy & Bacon since 2017, is responsible for the pre-trial preparation of numerous cases. In addition to developing overall case strategies, ensuring compliance with pre-trial deadlines, responding to pleadings, and responding to and drafting written discovery requests, he identifies and deposes fact witnesses. In this matter, Mr.

Tinoco deposed numerous fact witnesses as well as assisted with the mediation statement.

- **Jordan Kane (Mid-level Associate)** – Ms. Kane worked at Shook, Hardy & Bacon for nearly three years, and her practice included work in the automotive, toxic tort, and construction sectors. Ms. Kane took the lead in handling many of the summary judgment and other legal issue motions. In addition to assisting with briefing throughout the case, Ms. Kane deposed several fact witnesses; these depositions were played at trial and proved to be pivotal.
- **Sangeeta Shastry (Mid-level Associate)** – Ms. Shastry, an associate in Shook, Hardy & Bacon’s product liability group, handles matters at every phase from initial client counseling to preparation for appeal. Before entering the legal profession, Ms. Shastry worked as a journalist, completing internships with The Kansas City Star, KCUR-FM, and working as a social media manager for the University of Missouri – Columbia School of Law. In this matter, Ms. Shastry conducted legal research, drafted demand letters, and assisted with expert witness preparation.
- **Hannah Smith (Jr. Associate)** – Ms. Smith is a junior associate in the General Liability group. She works on matters ranging from MDLs to individual personal injury claims and has participated in a § 1983 jury trial in the Southern District of Florida. On this matter, Ms. Smith assisted by conducting legal research and drafting the jury instructions.
- **Christina Shoeppey (Sr. Research Analyst)** – Ms. Shoeppey has been with Shook, Hardy & Bacon for over ten years, providing services related to the

examination of medical records. In this matter, Ms. Shoeppey reviewed all of the medical reports and provided detailed analysis and summaries to the team.

- **Nancy Anderson (Project Manager)** – Ms. Anderson has worked at Shook, Hardy & Bacon for over 35 years. Ms. Anderson coordinated each step of the litigation, providing support from filing the complaint to assisting with the fee petition. She is currently a project manager with responsibilities related to case oversight and management.
- **Troy Hewitt (IT Support)** – Mr. Hewitt, a Senior Technical Graphics Specialist, has been with Shook, Hardy & Bacon for over 20 years. Mr. Hewitt assists trial teams with many services, ranging from technical support during trial to helping prepare demonstratives. He assisted the team throughout this litigation helping with depositions and hearings and at trial.

34. Beyond observing from the transcripts and pleadings the quality of the work by lawyers who examined witnesses and drafted pleadings, the trial transcript also reveals a first-rate trial support team. The trial transcript shows an entire team that was prepared and who spent significant time and skill in the planning and presentation of evidence in a manner that the jury could understand (including by use of trial presentation software). Trial presentation at this level is not common and when it exists it commands rates at the high end of the market. This skill made the jury's experience better than it otherwise would have been and allowed the jury to understand the case better than it otherwise would have. The skill of the trial team places the overall team at the high end of rates for each team member at their respective levels of experience and responsibility.

35. The requested hourly rates, which in my opinion are reasonable, for all timekeepers are as follows:

Name	Title	2020	2021	2022
Charlie Eblen	Partner	\$750	\$770	\$790
Brandon Gutshall	Partner	\$495	\$562	\$634
Lindsey Heinz	Partner	\$495	\$562	\$634
Austin Borgmeyer	Sr. Associate	\$405	\$455	\$527
Andre Tinoco	Sr. Associate	\$360	\$396	\$482
Jordan Kane	Mid-level Associate	\$333	\$378	\$446
Sangeeta Shastry	Mid-level Associate	\$333	\$378	\$446
Hannah Smith	Jr. Associate	n/a	\$324	\$374
Christina Schoeppey	Sr. Research Analyst	\$266	\$315	\$356
Nancy Anderson	Project Manager	\$266	\$266	\$297
Troy Hewitt	IT Support	\$180	\$266	\$297

*k. The Skill, Expertise, and Efficiency of Effort Reflected in the Actual Provision of Such Services*

36. In my opinion, the attorney's fees incurred by Plaintiff are reasonable in light of the skill, expertise, and efficiency of effort reflected in the actual provision of the services. The written work filed with the Court reflects the defense team's high litigation skill and expertise. I reviewed the available trial transcripts. These transcripts reflect excellent trial skills and expertise. Lastly, the time records reflect an efficiency of effort in Shook, Hardy & Bacon's actual provision of legal services. As one example, the team chose not to depose the Defendants' experts, believing that effective cross-examination could be accomplished without incurring the expense.

*l. Whether the Fee is Fixed or Contingent*

37. This factor does not apply to a request for a fee award under a fee-shifting statute.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 2022.

James F Bennett

James F. Bennett, Esq.

**Exhibit A to  
Declaration of James F.  
Bennett As To  
Reasonableness of  
Attorneys' Fees**

MISSOURI LAWYERS MEDIA



EXHIBIT

1

exhibitsticker.com

# BILLING RATES



# Welcome to Billing Rates 2019

This year's edition features an expansive set of data. We found rates for 213 Missouri-based attorneys and 77 Missouri staff members. We also feature rates for 18 lawyers and staff who work at out-of-state offices of Missouri or metro-area firms. For more rates of out-of-state attorneys who did work in Missouri in the last year, please visit us online at molawyersmedia.com.

A large portion of that data is thanks to a massive class-action settlement with Syngenta regarding its use of genetically modified corn. A federal judge gave final approval late last year to a \$1.51 billion class-wide settlement — the largest Missouri case of 2018 as tracked by Missouri Lawyers Media.

A third of that settlement went to fees for hundreds of lawyers across the country who aided in the litigation. The filings in support of that fee application also reveal the biggest hourly fees in this year's Billing Rates edition — \$865 an hour for the partners at Stueve Siegel Hanson and Gray, Ritter & Graham who led the case.

The median hourly rate for Missouri lawyers as a whole was \$370 an hour, up from the \$318 median rate we reported in 2018. Outside of the state's two metropolitan areas, the median remained at \$250.

In Kansas City, the median rate was \$405 an hour, up from \$350 the prior year. The median partner charged \$475 an hour, while the median associate rate was \$345. In St. Louis, the median rate was \$343, with the median partner charging \$390 and the median associate charging \$298. St. Louis figures were calculated from a pool of 96 attorneys, while the Kansas City figures were from a pool of 178 lawyers.

## HOURLY RATES FOR

**213** Missouri attorneys

**77** Missouri staff

**18** Out-of-state attorneys

## METHODOLOGY

Missouri Lawyers Media gathers hourly rates from fee applications filed with courts within the past 12 months. Rate information from courts generally came from bankruptcy cases, class-action lawsuits and cases in which the prevailing side was able to request its legal costs under a fee-shifting statute, such as in employment and civil-rights cases. Some rates also came from agreements with public entities for legal advice on specific projects.

Where possible, we use the attorney's standard or customary rates, rather than the rate the court applied or discounted rates offered to a particular client. Rates can vary according to the case or client, so one listed rate for an attorney might not apply in other cases.

The rates are a sampling only. Though drawn from recent court filings, some fee requests were for work performed in previous years, so rates might have changed in the meantime. Wherever possible, we have used the most recent available rates.

Attorneys are listed with the firm or organization where they worked at the time the fee request was made. They might have changed firms or been promoted since then, or the firm might have changed names or ceased to exist.

Information on titles, practice specialties and office locations comes primarily from fee applications, supplemented with information from firm websites. Practice listings typically describe the type of case for which the fee was incurred, which might not be the attorney's main area of practice.

Attorneys and staff in offices near the metropolitan St. Louis area in Illinois and the metropolitan Kansas City area in Kansas were counted as in-state rates. If it was not clear where staff members were located, we generally list them as being in the location of the firm's headquarters.

Reporters Scott Lauck, Jessica Shumaker and Nicholas Phillips, and freelance researcher Jennie Goodman researched the listings.

# Lawyer's fees prompt fight under Sunshine Law

By SCOTT LAUCK  
slauk@molawyersmedia.com

A media organization in Kansas City is in the midst of a Sunshine Law fight with Clay County after an attempt to see how much an attorney was charging the county resulted in a large legal bill.

"If this is not 'Alice in Wonderland,' I don't know what it is," said Bernie Rhodes of Lathrop Gage, an attorney for The Kansas City Star. "Where does the rabbit hole end?"

Cypress Media LLC, which operates The Star, sued Clay County in May alleging the county had violated the Sunshine Law by trying to charge The Star \$4,200 to fulfill a request for records. A reporter for The Star, curious about the county's contract for outside legal work with Spencer Fane, had requested copies of itemized billing statements and invoices.

W. Joseph Hatley, a Spencer Fane partner representing the county, said in a letter to The Star's attorney that it would take him 15 minutes per page to review the 45 pages of his own bills for any privileged material. The resulting day-and-a-

half job, Hatley estimated, would come to about \$4,200 at \$373.50 per hour, the rate he charged the county. (Hatley's standard rate, according to the court filing, was \$415 an hour.)

Rhodes, in a letter responding to Hatley, called that an "inflated" estimate meant to hide the billing entries from disclosure. To illustrate, Rhodes said he was able to review a similar stack of billing documents "during a single episode of NCIS: New Orleans (including fast-forwarding through the commercials)."

Rhodes charges The Star a rate of \$425 per hour, discounted from his usual \$610, he said. The total cost for his review was \$382.50.

The lawsuit has been delayed in Clay County Circuit Court while the Supreme Court appointed an outside judge to handle the matter. The county hasn't formally responded to the suit. Hatley didn't respond to a request for comment.

If The Star ultimately prevails, it might be able to recover its attorneys' fees. Until recently, actually recovering such fees seemed a dim possibility. But recent rulings have

given some lawyers hope.

In February, Jackson County Circuit Judge S. Margene Burnett ordered the city of Raytown to pay \$4,000 in civil penalties and more than \$38,000 in attorneys' fees after it refused to release records concerning an intersection where a fatal vehicle crash occurred.

The city had cited the information's potential use for litigation against the city, but Burnett found the refusal constituted a knowing and purposeful violation of the Sunshine Law. The city, she wrote, had tried to use the law as a "shield to hide behind rather than shed light on potentially inappropriate government activity."

Plaintiffs who are wrongfully denied access to public records may recover their attorneys' fees at the judge's discretion if the agency denial was "knowing," and the fee award is mandatory if the violation is "purposeful." But in 2016, the Missouri Supreme Court held in *Laut v. City of Arnold* that a knowing violation "requires proof that the public entity knew that its failure to produce the report violated

the Sunshine Law." A dissent in that case said such a stringent definition made a knowing violation the "functional equivalent" of a purposeful violation.

The Jackson County ruling came a month after the Court of Appeals Western District affirmed a different judge's ruling last year that the Cole County Prosecuting Attorney had violated the law by failing to turn over records for a drug task force. That case involved a \$12,000 civil penalty and an award of \$14,000 in attorneys' fees.

Rhodes said despite those victories, he still advises clients to be aware that they might get stuck with the bill. As a result, he said, most are limiting Sunshine Law suits to only those situations that are plainly illegal and serve an important point.

"I'm happy to ask for fees, but they should be prepared to go forward with the lawsuit without assuming they're going to get their fees paid," he said.

The case is *Cypress Media LLC v. Clay County*, 19CY-CV05332.

# Judge: Watch for 'red flags' in fee requests

By Scott Lauck  
slauck@molaawyersmedia.com

If you've ever thought submitting an application for attorneys' fee is a tedious and time-consuming job, think of the judge on the receiving end of your request.

"We want to be lawyers, not accountants," said Judge Nanette K. Laughrey.

Laughrey, a senior U.S. district judge for the Western District of Missouri, gave her candid thoughts on awarding attorneys' fees in federal litigation during a May 30 CLE program organized by the National Association of Legal Fee Analysis. Joined by James G. Carr, a senior judge for the Northern District of Ohio, Laughrey stressed the importance of crafting a solid and reasonable fee request.

"It's worth your time and doing a good job in front of the district court if you want to be successful on your fee application or you want to defeat a fee application," she said.

By that, Laughrey didn't necessarily mean that it should be as detailed as possible, nor that it should shoot for the moon in an attempt to get the biggest award possible. As a long-sitting judge in Missouri who often has watched the case unfold from the time it was filed, Laughrey said she typically makes a "gut call" as to whether the fee request makes sense.

"Once there's a red flag, there's much more scrutiny," she said. "For the most part, I look at the fees, I have a gut reaction to them, I compare them to other fees I've awarded in similar kinds of cases, and it's not a complicated process. But when it is a complicated process, it's much more time-consuming."

Carr agreed, saying attorneys should avoid putting the judge in the position of acting like a cost-conscious client demanding to know what every charge was for.

"I'll be quite blunt: It's the one part of my job I don't look forward to a whole lot," Carr said.

Both judges said they dislike challenging lawyers on their fee applications, which can feel like a challenge to the lawyers' integrity and skillfulness. Both also said they prefer to reduce either the hourly rate or the number of hours awarded rather than deny an award outright.

Still, there are some red flags they watch for. Laughrey said she sometimes will see applications in which a lawyer has claimed more than 24 hours of time in a single day. That seemingly impossible outcome can be a product of the lawyers' minimum increment of time — the task took only a minute, but the lawyer tracks his or her time in 10ths of an hour.

"If the judge sees that you're work-

ing more than 24 hours in a day, there's something there going on that doesn't make sense," she said.

Laughrey said she requires fee applications to be submitted in searchable form so her staff can convert the contents to a spreadsheet for easy analysis.

In November 2018, Laughrey presided over a particularly testy fee fight in a Missouri case that went to the U.S. Supreme Court. Trinity Lutheran Church prevailed in a religious-discrimination suit after the state of Missouri refused to let the church's daycare participate in a program to use recycled tire scraps to resurface its playground.

After prevailing in the high court, the attorneys for the church asked for more than \$890,000 in fees. Laughrey approved less half of that, with a final award of about \$434,000.

The church primarily was represented by Alliance Defending Freedom, a Christian organization that handles religious-freedom cases. Laughrey said the attorneys had excessive hours for basic research and case preparation, and that some lawyers asked for fees that were out of line for what was ultimately a Missouri case.

"There's a real relationship between the hourly rate and what's an excessive fee or excessive billing,"

she said. "If you're getting \$500 an hour, and you're doing very, very basic research in an area you should know about, that's probably excessive, given that rate."

In contrast, Laughrey pointed to a groundbreaking class-action lawsuit involving recordkeeping fees charged to a 401(k) plan. The case, which has gone on for more than 12 years, reached a \$55 million preliminary settlement earlier this year.

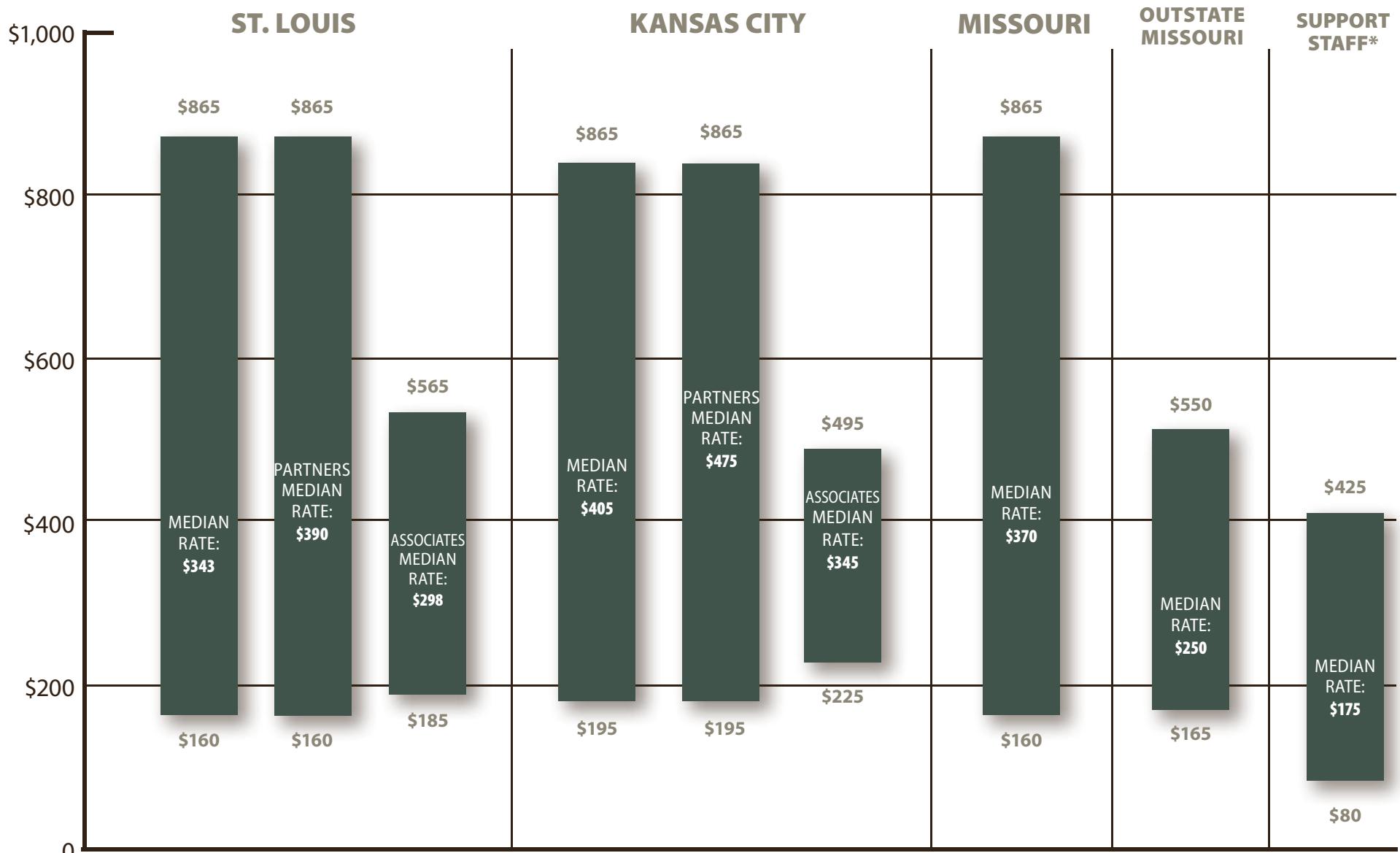
Although the fee applications hadn't been submitted at the time Laughrey spoke, she said she would likely consider such factors as the complexity and longevity of the case, as well as the fact that it was the first case to go to a trial using what was then a little-used provision of the Employee Retirement Income Security Act.

Laughrey noted that, while there are good First Amendment lawyers across the country, the St. Louis law firm of Schlichter Bogard & Denton became national experts in ERISA litigation.

"They certainly seem to have earned their money," she said.

The law firm subsequently has submitted a request for \$18.3 million in fees, constituting a third of the settlement fund. Laughrey is scheduled to consider the application at the settlement's final hearing on Aug. 13.

## ATTORNEY RATE RANGES



**HIGHEST MISSOURI RATES**

RANK	FIRM	HOURLY RATE	NAME	TITLE	CITY	PRACTICE
1	Gray, Ritter & Graham	\$865	Don Downing	Director/Shareholder	St. Louis	Class Action/MDL
1	Stueve Siegel Hanson	\$865	Norman Siegel	Partner	Kansas City	Class Action/MDL
1	Stueve Siegel Hanson	\$865	Patrick Stueve	Partner	Kansas City	Class Action/MDL
4	Holland Law Firm	\$850	Eric D. Holland Sr.	Partner	St. Louis	Class Action/MDL
5	Gray, Ritter & Graham	\$825	Gretchen Garrison	Principal	St. Louis	Class Action/MDL
5	Stueve Siegel Hanson	\$825	Steve Six	Partner	Kansas City	Class Action/MDL
7	Shook, Hardy & Bacon	\$770	Stan Sexton	Partner	Kansas City	Public Interest Class Action
8	Stinson Leonard Street	\$730	Daniel Bukovac	Partner	Kansas City	Class Action/MDL
9	Shamberg, Johnson & Bergman	\$725	Lynn Johnson	Partner	Kansas City	Class Action/MDL
9	Stueve Siegel Hanson	\$725	Rachel Schwartz	Partner	Kansas City	Class Action/MDL
9	Walters Bender Strohbehn & Vaughan	\$725	Thomas Bender	Partner	Kansas City	Class Action/MDL
12	Gray, Ritter & Graham	\$695	Jason Sapp	Partner	St. Louis	Class Action/MDL
12	Stueve Siegel Hanson	\$695	Bradley Wilders	Partner	Kansas City	Class Action/MDL
14	Shook, Hardy & Bacon	\$680	Andrew Carpenter	Partner	Kansas City	Public Interest Class Action
15	Miller Schirger	\$675	John Schirger	Partner	Kansas City	Class Action/MDL
15	Miller Schirger	\$675	Matthew Lytle	Partner	Kansas City	Class Action/MDL
15	Paul LLP	\$675	John Cracken	Of Counsel	Kansas City	Class Action/MDL
18	Paul LLP	\$650	Rick Paul	Partner	Kansas City	Class Action/MDL
19	Armstrong Teasdale	\$645	Scott Hunt	Partner	St. Louis	Bankruptcy
19	Armstrong Teasdale	\$645	William M. Corrigan Jr.	Partner	St. Louis	Breach of Contract
19	Thompson Coburn	\$645	Mark Bossi	Partner	St. Louis	Bankruptcy

**IN-STATE**

RATE / NAME HOUR	TITLE	CITY	PRACTICE AREA	YEAR
<b>ACCESS DISABILITY</b>				
\$202	David D. Camp	Partner	St. Louis	Social Security Disability
<b>AFFINITY LAW GROUP</b>				
\$315	J. Talbot Sant Jr.	Of Counsel	St. Louis	Bankruptcy
<b>ALLIANCE DEFENDING FREEDOM</b>				
\$495	Erik Stanley	Senior Counsel	Leawood, Kansas	First Amendment Litigation
\$450	Joel Oster	Senior Counsel	Leawood, Kansas	First Amendment Litigation
<b>ARMSTRONG TEASDALE</b>				
\$645	Scott Hunt	Partner	St. Louis	Bankruptcy
\$645	William M. Corrigan Jr.	Partner	St. Louis	Breach of Contract
\$605	David Going	Partner	St. Louis	Bankruptcy
\$605	Richard Engel Jr.	Partner	St. Louis	Bankruptcy
\$485	Jeffrey L. Schultz	Partner	St. Louis	Breach of Contract
\$455	Scott Jansen	Partner	St. Louis	Bankruptcy
\$425	Eric Walter	Partner	St. Louis	Breach of Contract
\$325	Ben Musholt	Associate	Jefferson City	Bankruptcy
\$325	Erin Edelman	Associate	St. Louis	Bankruptcy
\$325	John Willard	Associate	St. Louis	Bankruptcy
\$325	Lucas Pendry	Associate	St. Louis	Breach of Contract
\$295	John Moore	Associate	St. Louis	Bankruptcy
\$275	Patricia Beckerle	Associate	St. Louis	Bankruptcy
\$260	Han Liu	Associate	St. Louis	Bankruptcy
\$215	Theresa Ritter	Paralegal	St. Louis	Bankruptcy
\$180	Brandi Vogt	Paralegal	St. Louis	Bankruptcy
\$150	Barbara Bathe	Specialist	St. Louis	Bankruptcy
\$150	Julia Renaud	Specialist	St. Louis	Bankruptcy
\$125	Susan Williams-Umstead	Paralegal	Kansas City	Bankruptcy
<b>BARRY S. GINSBURG, ATTORNEY AT LAW</b>				
\$275	Barry S. Ginsburg	Attorney	St. Louis	Breach of Contract
<b>BRATCHER GOCKEL LAW</b>				
\$500	Lynne Bratcher	Partner	Kansas City	Employment
\$500	Marie Gockel	Partner	Kansas City	Employment
\$150	Mike Bell	Paralegal	Kansas City	Employment
<b>BROWN &amp; RUPRECHT</b>				
\$300	Frank Wendt	Partner	Kansas City	Business Litigation
\$195	Kurt S. Brack	Partner	Kansas City	Business Litigation
\$85	N/A	Paralegal	Kansas City	Business Litigation

**IN-STATE**

RATE / NAME HOUR	TITLE	CITY	PRACTICE AREA	YEAR
<b>BROWN &amp; WATKINS</b>				
\$550	C. Jason Brown	Partner	Gower	Class Action
\$550	Jayson Watkins	Partner	Gower	Class Action
\$100	N/A	Paralegal	Gower	Class Action
<b>CARMODY MACDONALD</b>				
\$395	Robert E. Eggmann	Principal	St. Louis	Bankruptcy
\$385	Spencer Desai	Partner	St. Louis	Bankruptcy
<b>COVER &amp; HILTON</b>				
\$200	Cary V. Cover	Partner	Clinton	Receivership
<b>DANNA MCKITTRICK</b>				
\$385	A. Thomas DeWoskin	Principal	St. Louis	Bankruptcy
<b>DAVID SCHROEDER LAW OFFICE</b>				
\$300	David Schroeder	Attorney	Springfield	Bankruptcy
<b>DAVIS GEORGE MOOK</b>				
\$575	Tracey F. George	Partner	Kansas City	Class Action
<b>DENNIS W. FOX &amp; ASSOCIATES</b>				
\$201	Jennifer Van Fossen	Attorney	St. Louis	Social Security Disability
<b>DOBSON, GOLDBERG, BERNS &amp; RICH</b>				
\$450	Johnathan C. Berns	Partner	St. Louis	Employment
<b>FISHER PATTERSON SAYLER &amp; SMITH</b>				
\$160	Lawrence Pratt	Partner	St. Louis	Litigation
<b>FOULSTON SIEFKIN</b>				
\$525	Scott Nehrbass	Partner	Kansas City, Kansas	ERISA Class Action
\$415	J. Steven Massoni	Special Counsel	Kansas City, Kansas	ERISA Class Action
\$300	Sara Otto	Associate	Kansas City, Kansas	ERISA Class Action
<b>FREDRICH J. CRUSE, ATTORNEY AT LAW</b>				
\$225	Fredrich Cruse	Attorney	Hannibal	Bankruptcy
\$80	Bobbi Daughtery	Paralegal	Hannibal	Bankruptcy
<b>FREEDOM CENTER OF MISSOURI</b>				
\$340	Dave Roland	Attorney	Mexico	Sunshine Law
<b>GHIO LAW FIRM</b>				
\$400	Matt Ghio	Partner	St. Louis	Employment
<b>GOLDSTEIN &amp; PRESSMAN</b>				
\$325	Norman Pressman	Member	St. Louis	Bankruptcy
\$225	Robert Breidenbach	Member	St. Louis	Bankruptcy

IN-STATE					
RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>GORNY LAW FIRM</b>					
\$600	Steve Gorny	Founding Member	Kansas City	Sunshine Law	2019
\$350	Chris Dandurand	Attorney	Kansas City	Sunshine Law	2019
<b>GRANT, MILLER &amp; SMITH</b>					
\$350	William Grant	Partner	St. Louis	Family Law	2019
<b>GRAVES GARRETT</b>					
\$575	Todd P. Graves	Partner	Kansas City	Election Law	2018
\$460	Edward D. Greim	Partner	Kansas City	Election Law	2018
\$305	Alan T. Simpson	Associate	Kansas City	Election Law	2018
\$175	Nichole E. Kruger	Paralegal	Kansas City	Election Law	2018
<b>GRAY, RITTER &amp; GRAHAM</b>					
\$865	Don Downing	Director/ Shareholder	St. Louis	Class Action/MDL	2019
\$825	Gretchen Garrison	Principal	St. Louis	Class Action/MDL	2019
\$695	Jason Sapp	Partner	St. Louis	Class Action/MDL	2019
\$565	Kaitlin Bridges	Associate	St. Louis	Class Action/MDL	2019
\$400	Cort VanOstran	Associate	St. Louis	Class Action/MDL	2019
\$330	Jack Downing	Associate	St. Louis	Class Action/MDL	2019
\$295	Jackie Statz	Paralegal	St. Louis	Class Action/MDL	2019
\$295	Judy Stinson	Paralegal	St. Louis	Class Action/MDL	2019
\$225	Charles Fasterling	Paralegal	St. Louis	Class Action/MDL	2019
\$175	Cameron Roark	Law Clerk	St. Louis	Class Action/MDL	2019
<b>HARLAN STILL &amp; KOCH</b>					
\$207	Frank Koch	Partner	Columbia	Social Security Disability	2019
<b>HEPLERBROOM</b>					
\$360	Steven M. Wallace	Partner	Edwardsville, Illinois	Bankruptcy	2019
\$200	Amanda R. McQuaid	Associate	Edwardsville, Illinois	Bankruptcy	2019
<b>HERREN, DARE &amp; STREETT</b>					
\$300	David M. Dare	Partner	St. Louis	Bankruptcy	2019
<b>HKM EMPLOYMENT ATTORNEYS</b>					
\$400	S. Cody Reinberg	Attorney	St. Louis	Employment	2019
<b>HOLLAND LAW FIRM</b>					
\$850	Eric D. Holland Sr.	Partner	St. Louis	Class Action/MDL	2019
\$500	R. Seth Crompton	Partner	St. Louis	Class Action/MDL	2019
\$250	Philip Proud	Associate	St. Louis	Class Action/MDL	2019
<b>HOLLINGSHEAD &amp; DUDLEY</b>					
\$400	Jeremy D. Hollingshead	Partner	St. Louis	Employment	2018
\$400	Nicholas Dudley	Partner	Kansas City	Employment	2018
\$300	John Moffitt III	Attorney	St. Louis	Employment	2018
\$300	Katie Rhoten	Associate	St. Louis	Employment	2018
\$200	Ben Coudret	Associate	St. Louis	Employment	2018
\$100	Arriana Hayes	Law Clerk	St. Louis	Employment	2018
\$100	Christopher Sandifer	Law Clerk	St. Louis	Employment	2018
\$100	Emma Wilson	Law Clerk	St. Louis	Employment	2018
\$100	Jessica Rials	Paralegal	St. Louis	Employment	2018
\$100	Melissa Heisner	Paralegal	St. Louis	Employment	2018
<b>HOLMAN SCHIAVONE</b>					
\$375	Ashley Atwell-Soler	Counsel	Kansas City	Employment	2018
<b>HUSCH BLACKWELL</b>					
\$505	Matthew Schelp	Partner	St. Louis	Government Compliance	2018
\$335	Matthew Diehr	Partner	St. Louis	Government Compliance	2018
\$250	Grant Ford	Associate	St. Louis	Government Compliance	2018
<b>JACOBSON PRESS</b>					
\$400	Joe Jacobson	Partner	St. Louis	Missouri Securities Act	2019
\$350	Allen Press	Partner	St. Louis	Missouri Securities Act	2019
\$250	Matt Vianello	Attorney	St. Louis	Missouri Securities Act	2019

IN-STATE					
RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>JENKINS &amp; KLING</b>					
\$245	Nancy Stokley Martin	Partner	St. Louis	Banking	2019
<b>JOHN LENTELL, ATTORNEY AT LAW</b>					
\$200	John L. Lentell	Partner	Leawood, Kansas	Bankruptcy	2019
<b>JONATHAN STERNBERG ATTORNEY PC</b>					
\$450	Jonathan Sternberg	Partner	Kansas City	Employment	2019
<b>KODNER WATKINS</b>					
\$320	Albert Watkins	Partner	St. Louis	Litigation	2019
<b>LATHROP GAGE</b>					
\$610	Bernard J. Rhodes	Partner	Kansas City	Sunshine Law	2019
<b>LAW OFFICE OF BORIS E. GRAYPEL</b>					
\$300	Boris Graypel	Partner	St. Louis	Consumer Protection	2019
<b>LAW OFFICE OF CHRISTOPHER JONES</b>					
\$300	Christopher Jones	Partner	Lee's Summit	Slander of Title Action	2018
<b>LAW OFFICE OF MARK A. BUCHANAN</b>					
\$450	Mark Buchanan	Partner	Kansas City	Employment	2019
<b>LUNCEFORD LAW FIRM</b>					
\$475	David A. Lunceford	Partner	Lee's Summit	Employment	2018
\$275	Rachel Rutter	Associate	Lee's Summit	Employment	2018
\$275	Taylor Spooner Myers	Associate	Lee's Summit	Employment	2018
\$100	Bailey Wright	Paralegal	Lee's Summit	Employment	2018
\$100	Jasmine Ward	Paralegal	Lee's Summit	Employment	2018
<b>MARTIN LEIGH</b>					
\$350	Amy Ryan	Partner	Kansas City	Real Estate	2019
\$350	Beverly Weber	Shareholder	Kansas City	Real Estate	2019
\$350	Greg Todd	Partner	Kansas City	Real Estate	2019
\$350	Thomas Fritzlen	Shareholder	Kansas City	Real Estate	2019
\$350	William Meyer	Partner	Kansas City	Real Estate	2019
\$110	Sherri Ratcliffe	Paralegal	Kansas City	Real Estate	2019
<b>MEDLER &amp; ROITHER</b>					
\$350	Jeffrey Medler	Partner	St. Louis	Litigation	2019
<b>MEYERS LAW FIRM</b>					
\$600	Marty Meyers	Partner	Kansas City	Employment	2019
\$390	Leonard Stephens	Attorney	Kansas City	Employment	2019
\$375	Heather Hardinger	Attorney	Kansas City	Employment	2019
\$300	Candice Johnson	Attorney	Kansas City	Employment	2019
<b>MILLER SCHIRGER</b>					
\$675	John Schirger	Partner	Kansas City	Class Action/MDL	2019
\$675	Matthew Lytle	Partner	Kansas City	Class Action/MDL	2019
\$575	Joseph Feierabend	Partner	Kansas City	Class Action/MDL	2019
<b>NATALIA MCKINSTRY LLC</b>					
\$225	Natalia McKinstry	Partner	St. Louis	Wrongful Death	2019
<b>OGLETREE DEAKINS</b>					
\$285	James M. Paul	Shareholder	St. Louis	Employment	2018
\$230	Meredith A. Lopez	Associate	St. Louis	Employment	2018
<b>PAUL LLP</b>					
\$675	John Cracken	Of Counsel	Kansas City	Class Action/MDL	2019
\$650	Rick Paul	Partner	Kansas City	Class Action/MDL	2019
\$500	Ashlea Schwarz	Of Counsel	Kansas City	Class Action/MDL	2019
\$275	Sue Becker	Associate	Kansas City	Class Action/MDL	2019
\$225	Adam Krause	Associate	Kansas City	Class Action/MDL	2019
\$225	Robert Kinsman	Associate	Kansas City	Class Action/MDL	2019
\$225	Steven Rowe	Paralegal	Kansas City	Class Action/MDL	2019
\$185	Kendra John	Paralegal	Kansas City	Class Action/MDL	2019
\$175	Cam Riemsnider	Paralegal	Kansas City	Class Action/MDL	2019
\$175	Linda Davis	Paralegal	Kansas City	Class Action/MDL	2019
\$175	Melissa Casady	Paralegal	Kansas City	Class Action/MDL	2019
\$175	Pam Williams	Paralegal	Kansas City	Class Action/MDL	2019
\$150	Pat Neal	Paralegal	Kansas City	Class Action/MDL	2019
\$125	Sydney Estell	Paralegal	Kansas City	Class Action/MDL	2019

**IN-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>PAUL LLP (CONT.)</b>					
\$100	Heather Webb	Paralegal	Kansas City	Class Action/MDL	2019
\$90	Caroline Abbott	Paralegal	Kansas City	Class Action/MDL	2019
<b>PHILLIPS &amp; THOMAS</b>					
\$350	George J. Thomas	Attorney	Prairie Village, Kansas	Bankruptcy	2019
<b>PLAYTER &amp; PLAYTER</b>					
\$300	Chris Playter	Partner	Lee's Summit	Employment	2019
\$300	Eric Playter	Partner	Lee's Summit	Employment	2019
<b>POLSINELLI</b>					
\$505	Matthew S. Layfield	Shareholder	St. Louis	Bankruptcy	2019
\$475	Todd Bartels	Shareholder	Kansas City	Bankruptcy	2018
\$370	Robert Spake	Shareholder	Kansas City	Bankruptcy	2018
\$330	Benton Keatley	Associate	Kansas City	Bankruptcy	2018
\$315	Nicholas A. Griebel	Associate	St. Louis	Bankruptcy	2019
\$225	Jerry Thies	Senior Paralegal	Kansas City	Bankruptcy	2018
<b>POPHAM LAW FIRM</b>					
\$600	Dennis Egan	Partner	Kansas City	Employment	2019
\$450	Bert Braud	Partner	Kansas City	Employment	2019
\$250	Cooper Mach	Attorney	Kansas City	Employment	2019
\$140	Aly Pack	Paralegal	Kansas City	Employment	2019
\$140	Nicole Eaton	Paralegal	Kansas City	Employment	2019
<b>RICE SPAETH SUMMERS &amp; HEISSEMER</b>					
\$250	John Heisserer	Partner	Cape Girardeau	Personal Injury	2019
<b>ROSENBLUM GOLDENHERSH</b>					
\$375	Jeffrey B. Hunt	Partner	St. Louis	Breach of Contract	2018
<b>ROSS &amp; VOYTAS</b>					
\$225	Ethan William Gee	Attorney	St. Louis	Personal Injury	2018
\$225	Nathan Ross	Partner	St. Louis	Personal Injury	2018
\$225	Richard A. Voytas Jr.	Partner	St. Louis	Personal Injury	2018
<b>RUNNYMEDE LAW GROUP</b>					
\$425	Stephen R. Clark	Partner	St. Louis	Breach of Contract	2018
\$250	Kristen E. Weinberg	Associate	St. Louis	Breach of Contract	2018
\$100	Chelsea L. Langeneckert	Paralegal	St. Louis	Breach of Contract	2018
<b>SEYFERTH BLUMENTHAL &amp; HARRIS</b>					
\$395	Charlie J. Harris	Partner	Kansas City	Receivership	2019
\$285	Deena Jenab	Partner	Kansas City	Receivership	2019
\$285	Kevin Karpin	Partner	Kansas City	Receivership	2019
\$245	Julie Sims	Associate	Kansas City	Receivership	2019
\$245	Nick Daugherty	Associate	Kansas City	Receivership	2019
\$125	Cheri Diaz	Paralegal	Kansas City	Receivership	2019
\$125	Melissa Miller	Paralegal	Kansas City	Receivership	2019
<b>SHAMBERG, JOHNSON &amp; BERGMAN</b>					
\$725	Lynn Johnson	Partner	Kansas City	Class Action/MDL	2019
<b>SHOOK, HARDY &amp; BACON</b>					
\$770	Stan Sexton	Partner	Kansas City	Public Interest Class Action	2019
\$680	Andrew Carpenter	Partner	Kansas City	Public Interest Class Action	2019
\$465	Brent Dwerlkotte	Associate	Kansas City	Public Interest Class Action	2019
\$465	Russell Shankland	Partner	Kansas City	Public Interest Class Action	2019
\$375	Britta Stamps	Associate	Kansas City	Public Interest Class Action	2019
\$320	Emily Sellers	Associate	Kansas City	Public Interest Class Action	2019
\$125	Patricia Carlson	Legal Analyst	Kansas City	Public Interest Class Action	2019
\$125	Paul Hoffmeyer	Legal Analyst	Kansas City	Public Interest Class Action	2019

**IN-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>SIMMONS HANLY CONROY</b>					
\$400	Sarah Burns	Associate	Alton, Illinois	Class Action/MDL	2019
\$275	Gary Payne	Associate	Alton, Illinois	Class Action/MDL	2019
\$185	Eric Disney	Associate	Alton, Illinois	Class Action/MDL	2019
\$125	Jill Kraus	Paralegal	Alton, Illinois	Class Action/MDL	2019
\$100	Julie Bond	Paralegal	Alton, Illinois	Class Action/MDL	2019
<b>SPENCER FANE</b>					
\$610	Kenneth Mason	Partner	Overland Park, Kansas	Federal Trade Commission Act	2018
\$575	Scott Goldstein	Partner	Kansas City	Bankruptcy	2019
\$510	Leslie Greathouse	Partner	Kansas City	Federal Trade Commission Act	2018
\$480	Eric Peterson	Of Counsel	St. Louis	Bankruptcy	2019
\$455	Beth Miller	Of Counsel	Kansas City	Federal Trade Commission Act	2018
\$455	Eric L. Johnson	Partner	Kansas City	Federal Trade Commission Act	2018
\$415	W. Joseph Hatley	Partner	Kansas City	Sunshine Law	2019
\$370	Paul Satterwhite	Partner	Springfield	Federal Trade Commission Act	2018
\$360	Ryan Hardy	Partner	St. Louis	Bankruptcy	2019
\$350	Casey Murray	Partner	Kansas City	Federal Trade Commission Act	2018
\$330	Crystal Howard	Of Counsel	Overland Park, Kansas	Federal Trade Commission Act	2018
\$325	Bryant Lamer	Partner	Kansas City	Federal Trade Commission Act	2018
\$320	Duval Pierre	Associate	Kansas City	Federal Trade Commission Act	2018
\$295	Zachary Fairlie	Associate	Kansas City	Bankruptcy	2019
\$270	Melissa Hinkle	Paralegal	Kansas City	Federal Trade Commission Act	2018
\$240	Lisa Wright	Paralegal	Kansas City	Bankruptcy	2019
\$230	Kathie Tatman	Paralegal	Kansas City	Federal Trade Commission Act	2018
\$230	Ronald Griffin	Paralegal	Kansas City	Federal Trade Commission Act	2018
\$230	Sarah Estlund	Paralegal	Kansas City	Federal Trade Commission Act	2018
<b>STINSON LEONARD STREET</b>					
\$730	Daniel Bukovac	Partner	Kansas City	Class Action/MDL	2019
\$580	Thomas Lynn	Partner	Kansas City	Class Action/MDL	2019
\$570	Charles Hatfield	Partner	Jefferson City	Election Law	2018
\$565	John Munich	Partner	Jefferson City	Election Law	2018
\$515	Sarah King	Partner	Kansas City	Class Action/MDL	2019
\$455	Colin Turner	Associate	Kansas City	Class Action/MDL	2019
\$405	Ashley Habiger	Associate	Kansas City	Class Action/MDL	2019
\$405	Nicholas Hoffman	Associate	Kansas City	Class Action/MDL	2019
\$380	Jeremy Root	Partner	Jefferson City	Election Law	2018
\$365	Benjamin Woodard	Associate	St. Louis	Class Action/MDL	2019
\$345	Christopher Sevedge	Associate	Kansas City	Class Action/MDL	2019
\$345	James Montgomery	Associate	Kansas City	Class Action/MDL	2019
\$345	Jessica Pixler	Associate	Kansas City	Class Action/MDL	2019
\$345	Katherine Bechina	Associate	Kansas City	Class Action/MDL	2019
\$330	Courtney Harrison	Associate	Kansas City	Class Action/MDL	2019
\$325	Derek Grutsch	Law Clerk	Kansas City	Class Action/MDL	2019
\$325	Nicci Warr	Associate	St. Louis	Election Law	2018
\$305	Steve Froelich	Paralegal	Kansas City	Class Action/MDL	2019
\$305	Tamara Combs	Associate	Kansas City	Class Action/MDL	2019
\$290	Erin Naeger	Associate	Kansas City	Election Law	2018
\$280	Joyce Hart	Paralegal	Kansas City	Class Action/MDL	2019
\$280	Leisa Stevens	Paralegal	Kansas City	Class Action/MDL	2019
\$260	John Benson	Paralegal	Kansas City	Class Action/MDL	2019
\$255	Cheri Diaz	Paralegal	Kansas City	Class Action/MDL	2019
\$255	Cindy Cusimano	Paralegal	Kansas City	Class Action/MDL	2019
\$250	Patsy Whalen	Paralegal	Kansas City	Class Action/MDL	2019
\$195	Marsha Presley	Paralegal	Jefferson City	Election Law	2018
\$165	Renee Henson	Law Clerk	Kansas City	Class Action/MDL	2019

**IN-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>STUEVE SIEGEL HANSON</b>					
\$865	Norman Siegel	Partner	Kansas City	Class Action/MDL	2019
\$865	Patrick Stueve	Partner	Kansas City	Class Action/MDL	2019
\$825	Steve Six	Partner	Kansas City	Class Action/MDL	2019
\$725	Rachel Schwartz	Partner	Kansas City	Class Action/MDL	2019
\$695	Bradley Wilders	Partner	Kansas City	Class Action/MDL	2019
\$625	Stephanie Walters	e-Discovery Counsel	Kansas City	Class Action/MDL	2019
\$625	Toji Calabro	Of Counsel	Kansas City	Class Action/MDL	2019
\$575	Jeffrey Scurlock	Of Counsel	Kansas City	Class Action/MDL	2019
\$550	Lindsay Perkins	Of Counsel	Kansas City	Class Action/MDL	2019
\$495	Ethan Lange	Associate	Kansas City	Class Action/MDL	2019
\$495	Larkin Walsh	Of Counsel	Kansas City	Class Action/MDL	2019
\$475	Alexander T. Ricke	Associate	Kansas City	Employment and Labor	2019
\$475	Austin Moore	Associate	Kansas City	Class Action/MDL	2019
\$475	Jennifer Carter	Associate	Kansas City	Class Action/MDL	2019
\$450	David Hickey	Associate	Kansas City	Class Action/MDL	2019
\$425	Curtis Shank	Associate	Kansas City	Class Action/MDL	2019
\$425	James Vaglio	Associate	Kansas City	Class Action/MDL	2019
\$425	Peter Rupp	Systems Director	Kansas City	Class Action/MDL	2019
\$425	Sean Cooper	Associate	Kansas City	Class Action/MDL	2019
\$375	Daniel Shaw	Associate	Kansas City	Class Action/MDL	2019
\$350	Ariel Tazkargy	Associate	Kansas City	Class Action/MDL	2019
\$350	John Tompkins	Associate	Kansas City	Class Action/MDL	2019
\$350	Matt Cooper	Associate	Kansas City	Class Action/MDL	2019
\$350	Sam Storrs	Associate	Kansas City	Class Action/MDL	2019
\$295	Cheri Perez	Paralegal	Kansas City	Class Action/MDL	2019
\$295	Mary Rose Marquart	Paralegal	Kansas City	Class Action/MDL	2019
\$295	Michelle Campbell	Paralegal	Kansas City	Class Action/MDL	2019
\$295	Sherry Barry	Paralegal	Kansas City	Class Action/MDL	2019
\$275	Adrian Weiner	IT Manager	Kansas City	Class Action/MDL	2019
\$245	Erika Reyes	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Janet Switzer	Finance/HR Director	Kansas City	Class Action/MDL	2019
\$245	Julie Olivas	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Katrina Cervantes	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Lori DeMoss	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Margaret Smith	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Melissa Warner	Paralegal	Kansas City	Class Action/MDL	2019
\$245	Sheri Williams	Paralegal	Kansas City	Class Action/MDL	2019
\$225	Ben Stueve	Paralegal	Kansas City	Class Action/MDL	2019
\$225	Brendan Marquart	Paralegal	Kansas City	Class Action/MDL	2019

**IN-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>SUMMERS COMPTON WELLS</b>					
\$365	David Sosne	Principal	St. Louis	Bankruptcy	2019
\$350	Bonnie Clair	Principal	St. Louis	Bankruptcy	2019
\$325	Brian J. LaFlamme	Principal	St. Louis	Bankruptcy	2019
\$120	N/A	Paralegal	St. Louis	Bankruptcy	2019
\$100	N/A	Law Clerk	St. Louis	Bankruptcy	2019
<b>THOMPSON COBURN</b>					
\$645	Mark Bossi	Partner	St. Louis	Bankruptcy	2019
\$490	Brian Hockett	Partner	St. Louis	Bankruptcy	2019
<b>TUETH KEENEY</b>					
\$300	James Layton	Of Counsel	St. Louis	First Amendment Litigation	2018
<b>WALTERS BENDER STROBEHN &amp; VAUGHAN</b>					
\$725	Thomas Bender	Partner	Kansas City	Class Action/MDL	2019
\$525	Dirk Hubbard	Of Counsel	Kansas City	Class Action/MDL	2019
\$400	Brett Milbourn	Partner	Kansas City	Class Action/MDL	2019
\$400	Karen Renwick	Partner	Kansas City	Class Action/MDL	2019
\$250	Brooke Blake	Associate	Kansas City	Class Action/MDL	2019
\$250	Michael Sichter	Associate	Kansas City	Class Action/MDL	2019
\$250	Patrick McAndrews	Associate	Kansas City	Class Action/MDL	2019
\$125	Sarah Stevens	Paralegal	Kansas City	Class Action/MDL	2019
\$125	Sarah Varney	Paralegal	Kansas City	Class Action/MDL	2019
<b>WHITE, GRAHAM, BUCKLEY &amp; CARR</b>					
\$475	Gene Graham	Partner	Independence	Employment	2019
<b>WHITEHEAD LAW FIRM</b>					
\$370	Michael Whitehead	Principal	Lee's Summit	First Amendment Litigation	2018
\$300	Jonathan Whitehead	Partner	Lee's Summit	First Amendment Litigation	2018
<b>WIRKIN LAW FIRM</b>					
\$300	Christopher Wirkin	Partner	Kansas City	Slander of Title Action	2018
<b>WITHERSPOON LAW GROUP</b>					
\$350	Nuru Witherspoon	Partner	St. Louis	Wrongful Death	2019

**OUT-OF-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>FISHER PATTERSON SAYLER &amp; SMITH</b>					
\$135	Katrina Hudson	Associate	Topeka, Kansas	Litigation	2019
\$135	Anne Marie Beckerle	Associate	Topeka, Kansas	Litigation	2019
<b>FOULSTON SIEFKIN</b>					
\$565	Jason Lacey	Partner	Wichita, Kansas	ERISA Class Action	2018
\$500	Boyd Byers	Partner	Wichita, Kansas	ERISA Class Action	2018
\$445	Jeremy Gruber	Partner	Topeka, Kansas	ERISA Class Action	2018
\$300	Nicki Rose	Associate	Wichita, Kansas	ERISA Class Action	2018
\$240	Cynthia Voccio	Paralegal	Wichita, Kansas	ERISA Class Action	2018
\$220	Rebekah Haase	Paralegal	Wichita, Kansas	ERISA Class Action	2018
\$220	Christi Ramsey	Paralegal	Wichita, Kansas	ERISA Class Action	2018
\$215	Jeremy Koehler	Summer Associate	Wichita, Kansas	ERISA Class Action	2018
\$215	Elias Underwood	Summer Associate	Wichita, Kansas	ERISA Class Action	2018

**OUT-OF-STATE**

RATE / HOUR	NAME	TITLE	CITY	PRACTICE AREA	YEAR
<b>POLSINELLI</b>					
\$420	Brenna A. Dolphin	Associate	Wilmington, Delaware	Bankruptcy	2019
<b>SIMMONS HANLY CONROY</b>					
\$950	Paul Hanly	Partner	New York	Class Action/MDL	2019
\$950	Jayne Conroy	Partner	New York	Class Action/MDL	2019
\$950	Andrea Bierstein	Partner	New York	Class Action/MDL	2019
\$400	Ellyn Hurd	Associate	New York	Class Action/MDL	2019
<b>SPENCER FANE</b>					
\$325	Mary Bacon	Associate	Las Vegas	Federal Trade Commission Act	2018
<b>STINSON LEONARD STREET</b>					
\$670	Scott Roberts	Partner	Decatur, Illinois	Class Action/MDL	2019
\$590	Joel Leviton	Partner	Minneapolis	Class Action/MDL	2019

For more rates of out-of-state attorneys who did work in Missouri in the last year, please visit us online at molawyersmedia.com.



# MISSOURI LAWYERS MEDIA DIVERSITY & INCLUSION

## August 9, 2019

Awards Luncheon | Sheraton Westport Lakeside Chalet

### Congratulations to the 2019 Honorees

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**Charlie Harris Jr.**  
Seyferth Blumenthal & Harris  
**Dan Cranshaw**  
Polsinelli  
**Dowd Bennett LLP**  
**J. Danielle Carr**  
Mound City Bar Association  
**Lisa D'Souza**  
Legal Services of Eastern  
Missouri  
**Martha Charepoo**  
Baker Sterchi Cowden & Rice

**Mickes O'Toole, LLC**  
**Narcisa Przulj**  
Sandberg Phoenix & von  
Gontard  
**Patricia Llanos**  
Brown & Crouppen  
**Pete Woods**  
Haar & Woods  
**Sheena Hamilton**  
Dowd Bennett LLP  
**Stephanie Hosler**  
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**Teresa Young**  
Brown & James  
**Vincent D. Reese**  
Mickes O'Toole, LLC  
**Polsinelli**  
**Pamela Meanes**  
Thompson Coburn  
**Luz Maria  
Henriquez**  
Legal Services of Eastern  
Missouri  
**Nicole Colbert-  
Botchway**  
22nd Judicial Circuit



**Featured Speaker:**  
Judge Lawrence  
E. Mooney

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**Exhibit B to  
Declaration of James F.  
Bennett As To  
Reasonableness of  
Attorneys' Fees**

MISSOURI LAWYERS MEDIA



# BILLING RATES



# Fee awards few and far between during pandemic

BY SCOTT LAUCK

slauck@molawyersmedia.com

**T**his year's edition of Billing Rates has been a long time coming.

The last time Missouri Lawyers Media did a deep dive into the hourly rates of Missouri attorneys was August 2019. A year later, with courts all but closed during the pandemic and cases at a standstill, the project just didn't make sense to attempt.

The numbers show that things still aren't quite back to normal. Even with two years' worth of data in this year's edition, we found rates for just 182 Missouri-based attorneys — 15 percent fewer than in 2019, which covered one year.

Our data primarily comes from fee applications filed with state and federal courts in Missouri, often from cases that operate under a fee-shifting statute, such as in employment and civil-rights cases. Many such cases have been unable to secure trial dates during the pandemic — and without a prevailing side to request its legal costs, those fees remain unshifted and undisclosed.

Bankruptcy filings also have been in short supply. According to the Administrative Office of the U.S. Courts, personal and business bankruptcy have steadily declined during the COVID-19 crisis, falling 29.1 percent nationwide for the 12-month period ending Sept. 30. The bankruptcy courts St. Louis and Kansas City, which provide much of the data for this project, were no exception.

The median hourly rate for Missouri lawyers as a whole was \$330, down from the 2019 figure of \$370 an hour. The statewide median was \$475 per hour for partners, \$250 for associates and \$300 for other attorneys (which includes of-counsel, staff attorneys and lawyers whose titles weren't apparent from firm websites or court filings.)

In Kansas City, the median rate was \$347 an hour, down from \$405 in 2019. The median partner charged \$490 an hour, while the median associate rate was \$300. The Kansas City rates were calculated from a pool of 80 attorneys.

In St. Louis, the median rate was \$330 an hour, down from \$343 in our last survey. The median partner charged \$450 per hour, and the median associate charged \$250. The St. Louis figures were calculated from a pool of 77 lawyers.

## HOURLY RATES FOR

182 Missouri attorneys

45 Missouri staff

## METHODOLOGY

- Where possible, we use the attorney's standard or customary rates, rather than the rate the court applied or discounted rates offered to a particular client. Rates can vary according to the case or client, so one listed rate for an attorney might not apply in other cases.
- The rates are a sampling only. Though drawn from recent court filings, some fee requests were for work performed in previous years, so rates might have changed in the meantime. Wherever possible, we have used the most recent available rates.
- Attorneys are listed with the firm or organization where they worked at the time the fee request was made. They might have changed firms or been promoted since then, or the firm might have changed names or ceased to exist.
- Information on titles, practice specialties and office locations is drawn primarily from fee applications, supplemented with information from firm websites. Practice listings typically describe the type of case for which the fee was incurred, which might not be the attorney's main area of practice.
- Attorneys and staff in offices near the metropolitan St. Louis area in Illinois and the metropolitan Kansas City area in Kansas were counted as in-state rates.

Reporter Scott Lauck and freelance researcher Jennie Goodman researched the listings.

# Attorneys' fee award too low on homeowner's verdict



By SCOTT LAUCK  
slauck@molawyersmedia.com

The Missouri Court of Appeals Western District affirmed a \$200,000 verdict for a homeowner with a faulty foundation but said she's owed more in attorneys' fees than the judge awarded.

Tiffanie Soetaert bought a home in Independence in 2015 and soon discovered problems with the foundation that led to flooding and extensive repairs. She sued three entities involved in the sale, including Platinum Realty of Overland Park, Kansas, for failure to fully disclose the issues with the house prior to the sale.

In 2018, a Jackson County jury awarded Soetaert \$25,000 in actual damages and punitive damages totaling \$175,000

against the defendants. Platinum Realty appealed the award, arguing that its agent hadn't known of the condition of the property when she filled out the disclosure forms on behalf of the house's Canada-based sellers.

The Western District however, said there was sufficient evidence that Platinum was aware of the condition of the basement, given that its agent was formerly married to the owner of the company that helped "flip" the house and that she had been involved in the transaction from the beginning. The appeals court also turned aside Platinum's challenge to its \$25,000 share of the punitive damages.

The other two defendants, Novani Flips LLC and MoreKC1 LLC, didn't take part

in the appeal.

The Missouri Merchandising Practices Act allows plaintiffs to recover their attorneys' fees under some circumstances. However, Judge Kevin D. Harrell had granted Soetaert just \$10,000 in fees and about \$1,600 in costs.

The appeals court said the figure was too low, as it excluded the time Soetaert's attorneys spent bringing the case to trial.

"These are hours reasonably expended during the course of a case, and it was an abuse of discretion to not consider them," Judge Anthony Rex Gabbert wrote for the court. Judges Alok Ahuja and Lisa White Hardwick concurred.

The court added that Soetaert also could recover her attorneys' fees for the time spent on the appeal.

Jason Rew of Oswald Roam & Rew in Blue Springs, who represented Soetaert at trial, said his firm originally had sought approximately \$130,000 in fees for the case. He expected that he would resubmit that request, along with fees incurred during the appeal, which was argued by Ron Holliger, a former Western District judge.

"We're very pleased with the results," Rew said. "She's going to get what she deserves, but we also felt like we should get what we put into the case, which was a lot of work."

An attorney for Platinum, Diane Hastings Lewis of Brown & Ruprecht, didn't return a call seeking comment.

The case is *Soetaert v. Novani Flips LLC et al.*, WD82933.

# Multipliers make good fee awards even better

By SCOTT LAUCK

slauck@molawyersmedia.com

Sometimes, the hourly rate just isn't enough.

In some cases, whether by contract or statute, the prevailing party is able to recover its attorneys' fees from the other side. Normally, such awards are based on the so-called "lodestar" amount of the hours the prevailing attorneys spent on the case multiplied by their normal hourly fee.

But every so often, courts agree to add another layer of multiplication, boosting the final award to recognize a particularly tough case.

The seminal case on multipliers, the Missouri Supreme Court's 2013 opinion in *Berry v. Volkswagen Group of America Inc.*, noted that such enhancements should be used only in "rare or exceptional circumstances." Nonetheless, Missouri's appellate courts approved of at least three such multipliers in 2021.

In February, the Court of Appeals Eastern District affirmed a \$5.6 million judgment against a St. Louis gas station — including attorneys' fees awarded at triple the normal rate.

Christopher Westmoreland had alleged that his gas station went out of business after a competitor, Midwest St. Louis LLC, regularly sold fuel below cost. He sued under the Missouri Motor Fuel Marketing Act, a seldom-used state law designed to protect competition in the retail fuel market.

A St. Louis jury awarded Westmoreland \$1.8 million. Judge Elizabeth Hogan later tripled that amount as required by the statute, which also provided for the prevailing party to recover attorneys' fees.

According to the opinion, Westmoreland's trial attorney, Jeremy

Gogel, had expended 165 hours on the case at an hourly rate of \$400. Hogan approximately tripled that lodestar amount to \$200,000, remarking that it was "a unique case, one that not many attorneys would take on a contingent-fee basis."

The Eastern District agreed with that analysis and also granted Westmoreland his attorneys' fees in connection with the appeal. In an unusual move, the appeals court itself awarded the \$61,800 in additional fees rather than remand it to the trial court for a determination, as the appellate attorney's \$250 hourly rate was lower than the rate the trial court already had found to be reasonable in the underlying case.

In May, the Eastern District also affirmed an enhanced fee award for an employee terminated from Harris-Stowe State University, despite the school's argument that the jury's mixed verdict didn't warrant such an award.

Lynne Harrison, a former director of the university's department of public safety, claimed her supervisor created a hostile work environment. A St. Louis jury mostly sided with the defendants, but it found in favor of Harrison on her claim of retaliatory discharge against the University and awarded her \$32,000 in damages.

After trial, Harrison's lawyers sought nearly \$700,000 in attorneys' fees, with a 1.5 multiplier that would have boosted the amount to more than \$1 million. According to the Eastern District, Judge Christopher E. McGraugh found the request "astonishing." But after paring back the number of hours billed, the judge said a multiplier of 1.25 was appropriate. The total fee award was about \$464,000.

Harris-Stowe argued that the plaintiff

prevailed on just one of her six claims and that the fee amount was unreasonable. The appeals court, however, noted that the judge already had trimmed the award to 56 percent less than the total amount Harrison's attorneys, Jeremy Hollingshead and Nicholas Dudley, had requested.

The court remanded the case for a determination of additional fees for the appeal; that request is still pending.

In September, the Court of Appeals Western District affirmed a multiplied award of attorneys' fees for a former correctional official, despite arguments from the state that the judge had failed to explain her reasoning.

A Jackson County jury awarded Shelley Gray \$350,000 on claims that she faced retaliation for challenging a policy that discouraged employees from taking family and medical leave.

After trial, Grey's attorney at the Lunceford Law Firm in Lee's Summit and Playter Trial Lawyers in Kansas City initially sought more than \$500,000. Judge Justine Del Muro disallowed some of the charges but also found it "reasonable" to apply a 1.5 multiplier, resulting in a fee award of more than \$468,000.

The Western District argued that the judge's explanation was too bare bones to justify the increase and that the attorneys should get no more than the \$312,000 lodestar amount that De Muro had calculated. But the appeals court said the department never made that argument to the judge and declined to entertain the challenge on appeal.

"Simply arguing that the court failed to explain the award is insufficient where the opportunity to obtain a more thorough explanation was available," the court said.

The appeals court also granted the plaintiffs their fees for the appeal. That motion is pending in Jackson County.

However, not everyone who has sought an enhanced fee award in the last year has received it.

A federal jury in the Western District of Missouri awarded \$4.9 million to Rosemary Salerno after she was terminated as manager of the Zona Rosa shopping center in Kansas City. Missouri Lawyers Media ranked as the fifth largest plaintiffs' verdict of 2020, though the award was reduced to about \$940,000 after trial due to a state cap on some of the damages.

Salerno's attorneys at Siro Smith Dickson sought to recover their fees. In March, Judge Beth Phillips agreed to part of the request, turning aside complaints from Zona Rosa about the hourly rates but agreeing to reduce the award by 5 percent to account for claims on which they lost at trial.

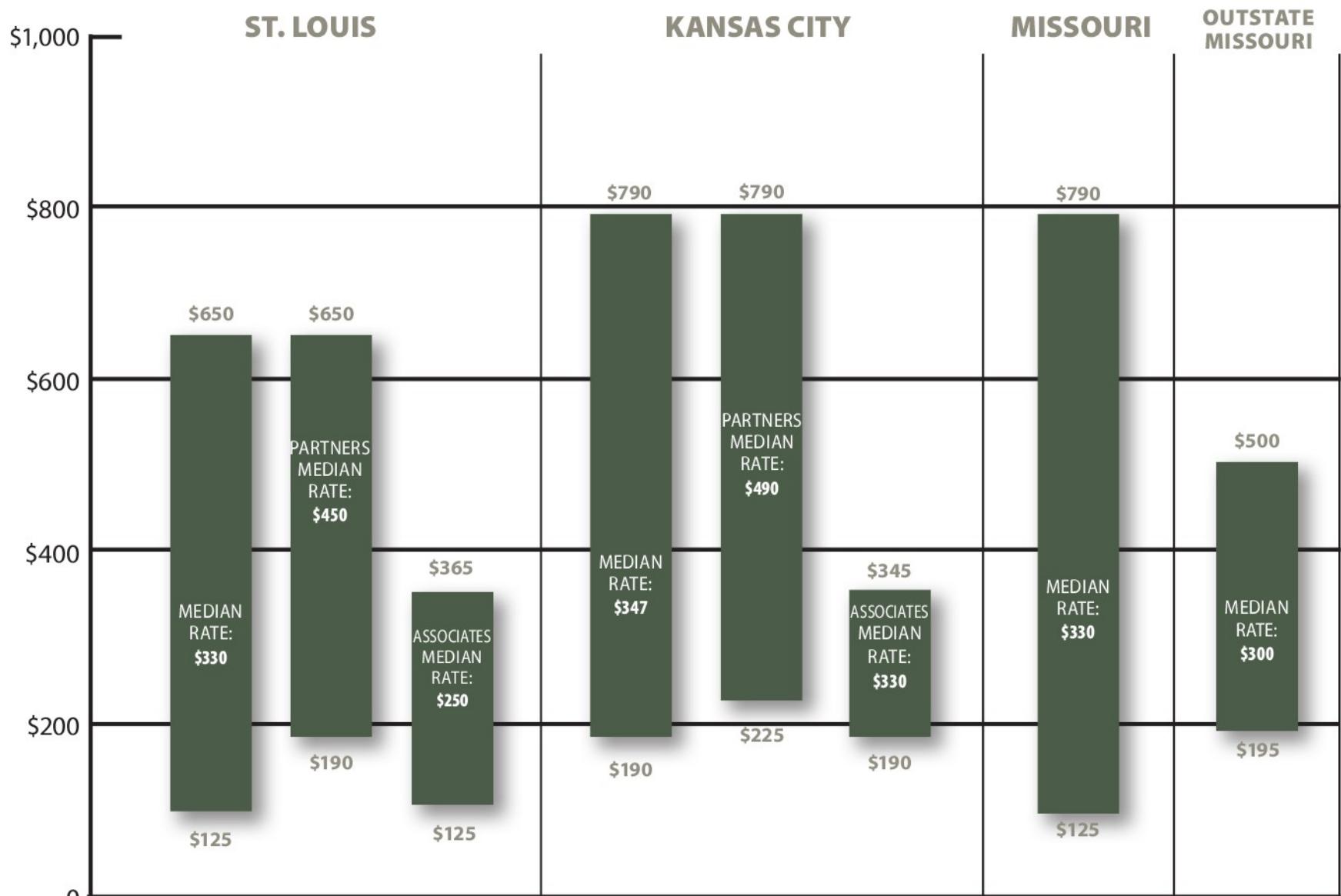
Phillips also declined to apply any sort of modifier, writing that the fact that the firm took the case on a contingency fee basis wasn't enough to justify an enhancement.

"The Court has no basis for concluding that an enhancement is necessary to encourage lawyers to take cases in this area of the law, and its experience suggests otherwise," she wrote.

Still, the fee award totaled \$518,000, plus more than \$32,000 in interest and costs.

The cases are *Westmoreland v. Midwest St. Louis*, ED107787, *Harrison v. Harris-Stowe State University*, ED109012, *Gray v. Missouri Department of Corrections*, WD83739, and *Salerno v. MPI Management LLC*, 4:19-cv-00145.

## ATTORNEY RATE RANGES



**HIGHEST MISSOURI RATES**

RANK	HOURLY RATE	ATTORNEY	FIRM	TITLE	CITY	YEAR	PRACTICE AREA
1	\$790	Chip Robertson	Bartimus Frickleton Robertson Rader	Partner	Leawood, KS	2020	Employment
2	\$650	Scott Hunt	Armstrong Teasdale	Partner	St. Louis	2020	Bankruptcy
2	\$650	Steven M. Aaron	Dentons US	Partner	Kansas City	2021	Business litigation
2	\$650	Dennis E. Egan	Popham Law Firm	Partner	Kansas City	2021	Employment
5	\$625	David Going	Armstrong Teasdale	Partner	St. Louis	2020	Bankruptcy
5	\$625	David Loseman	Armstrong Teasdale	Partner	St. Louis	2020	Real estate
5	\$625	Richard Engel Jr.	Armstrong Teasdale	Partner	St. Louis	2020	Bankruptcy
5	\$625	Steven Pozaric	Armstrong Teasdale	Partner	St. Louis	2020	Bankruptcy
9	\$615	Patrick Kenny	Armstrong Teasdale	Partner	St. Louis	2020	Class action
9	\$615	Brian K. O'Bleness	Dentons US	Partner	Kansas City	2020	Business litigation
11	\$605	John O'Brien	Armstrong Teasdale	Partner	St. Louis	2020	Bankruptcy
12	\$600	Tom Bender	Horn, Aylward & Bandy	Partner	Kansas City	2021	Class action
12	\$600	David Lunceford	Lunceford Law Firm	Partner	Lee's Summit	2020	Employment
12	\$600	Christina Nielsen	O'Brien Law Firm	Attorney	Lee's Summit	2020	Employment
12	\$600	Rik Siro	Siro Smith Dickson	Partner	Kansas City	2021	Employment
12	\$600	David Zimmerman	Spencer Fane	Partner	Overland Park, KS	2021	Bankruptcy
17	\$575	Michael E. Wilson	Greensfelder	Partner	St. Louis	2020	Construction litigation
17	\$575	Bert S. Braud	Popham Law Firm	Partner	Kansas City	2021	Employment
17	\$575	W. Bevis Schock	Schock Law	Partner	St. Louis	2021	Civil Rights
17	\$575	Eric Smith	Siro Smith Dickson	Partner	Kansas City	2021	Employment

**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE / HOUR	PRACTICE AREA
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**AMERICAN CIVIL LIBERTIES UNION OF MISSOURI**

Tony Rothert	Legal Director	St. Louis	2021	\$410	Civil Rights
Omri Praiss	Of Counsel	St. Louis	2021	\$400	Civil Rights
Jessie Steffan	Senior Staff Attorney	St. Louis	2021	\$300	Civil Rights
Kayla DeLoach	Legal Fellow	St. Louis	2021	\$250	Civil Rights

**ANDERSON LAW**

Julie Anderson	Partner	Kansas City	2021	\$250	Unlawful detainer
Jamie Walker	Attorney	Kansas City	2021	\$250	Unlawful detainer

**ARMSTRONG TEASDALE**

Scott Hunt	Partner	St. Louis	2020	\$650	Bankruptcy
David Going	Partner	St. Louis	2020	\$625	Bankruptcy
David Loseman	Partner	St. Louis	2020	\$625	Real estate
Richard Engel Jr.	Partner	St. Louis	2020	\$625	Bankruptcy
Steven Pozaric	Partner	St. Louis	2020	\$625	Bankruptcy
Patrick Kenny	Partner	St. Louis	2020	\$615	Class action
John O'Brien	Partner	St. Louis	2020	\$605	Bankruptcy
Christine Schlomann	Partner	Kansas City	2020	\$515	Bankruptcy
Scott Jansen	Partner	St. Louis	2020	\$455	Bankruptcy
David Kim	Partner	Kansas City	2020	\$425	Bankruptcy
Jaimie Mansfield	Attorney	St. Louis	2020	\$415	Business Litigation
Erin Edelman	Associate	St. Louis	2020	\$365	Bankruptcy
John Willard	Associate	St. Louis	2020	\$365	Bankruptcy
Jonathan Shulan	Associate	St. Louis	2020	\$365	Litigation
Benjamin Musholt	Associate	St. Louis	2020	\$325	Bankruptcy
Patricia Beckerle	Associate	St. Louis	2020	\$305	Bankruptcy
Christine Nuccio	Legal Project Manager	St. Louis	2020	\$300	Bankruptcy
John Moore	Associate	St. Louis	2020	\$295	Bankruptcy
Rhys Williams	Associate	St. Louis	2020	\$285	Bankruptcy
Michael Grigsby	Associate	Kansas City	2020	\$275	Bankruptcy
Han Liu	Associate	St. Louis	2020	\$260	Bankruptcy
Kathryn Redmond	Associate	St. Louis	2020	\$250	Bankruptcy
Theresa Ritter	Paralegal	St. Louis	2020	\$225	Bankruptcy
Brandi Vogt	Paralegal	St. Louis	2020	\$200	Bankruptcy
Barbara Bathe	Legal Specialist	St. Louis	2020	\$150	Bankruptcy
Julia Renaud	Legal Specialist	St. Louis	2020	\$150	Bankruptcy
Susan Williams-Umstead	Paralegal	St. Louis	2020	\$125	Bankruptcy

**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE / HOUR	PRACTICE AREA
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**BACKER LAW FIRM**

Joe Backer	Partner	Independence	2020	\$350	Employment
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**BARTIMUS FRICKLETON ROBERTSON RADER**

Chip Robertson	Partner	Leawood, KS	2020	\$790	Employment
Kip Robertson	Partner	Leawood, KS	2020	\$500	Employment
Kelly Frickleton	Attorney	Leawood, KS	2020	\$300	Employment

**BROWN & CURRY**

Sarah Brown	Partner	Kansas City	2021	\$550	Employment
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**BURNETT DRISKELL**

Roger M. Driskill	Attorney	Kansas City	2021	\$205	Disability insurance
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**CARMODY MACDONALD**

Robert E. Eggmann	Principal	St. Louis	2020	\$450	Restructuring and bankruptcy
Christopher J. Lawhorn	Principal	St. Louis	2020	\$445	Restructuring and bankruptcy

Robert E. Eggmann	Principal	St. Louis	2021	\$425	Restructuring and bankruptcy
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Angela L. Drumm	Principal	St. Louis	2020	\$385	Business law
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Thomas H. Riske	Principal	St. Louis	2020	\$345	Restructuring and bankruptcy
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Danielle S. Suberi	Associate	St. Louis	2020	\$330	Restructuring and bankruptcy
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Becky R. Eggmann	Counsel	St. Louis	2020	\$325	Restructuring and bankruptcy
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Lindsay Leible Combs	Associate	St. Louis	2020	\$320	Commercial litigation
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Thomas H. Riske	Principal	St. Louis	2021	\$3
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**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE / HOUR	PRACTICE AREA
<b>CONROY BARAN</b>					
Robert Baran	Counsel	Kansas City	2020	\$260	Bankruptcy
Robert Baran	Counsel	Kansas City	2021	\$250	Bankruptcy
Larry Pittman	Attorney	Kansas City	2021	\$195	Bankruptcy
<b>COOK, VETTER, DOERHOFF &amp; LANDWEHR</b>					
Matthew Clement	Attorney	Jefferson City	2020	\$400	Fair Labor Standards
Kari Schulte	Attorney	Jefferson City	2020	\$300	Fair Labor Standards
<b>CRUSE LAW</b>					
Frederich Cruse	Attorney	Hannibal	2021	\$225	Bankruptcy
Julia A. Chaney-Faughn	Attorney	Hannibal	2021	\$200	Bankruptcy
<b>CUNNINGHAM, VOGL &amp; ROST</b>					
Daniel Vogel	Principal	St. Louis	2020	\$370	Municipal litigation
David A. Steubel	Principal	St. Louis	2020	\$330	Municipal litigation
Margaret Eveker	Senior Associate	St. Louis	2020	\$205	Municipal litigation
Lindsay Gilmore	Associate	St. Louis	2020	\$165	Municipal litigation
N/A	Paralegal	St. Louis	2020	\$145	Municipal litigation
N/A	Paralegal	St. Louis	2020	\$80	Municipal litigation
<b>CURRAN LAW FIRM</b>					
Rob Curran	Partner	Springfield	2020	\$350	Employment
Kimberly Wright	Paralegal	Springfield	2020	\$95	Employment
<b>D.H. SANDERS LLC</b>					
Donald H. Sanders III	Partner	St. Louis	2020	\$190	Consumer rights
Dillon Clyde Sanders	Associate	St. Louis	2020	\$125	Consumer rights
<b>DAVID SCHROEDER LAW OFFICES</b>					
David Schroeder	Attorney	Springfield	2021	\$325	Bankruptcy
<b>DEARING &amp; HARTZOG</b>					
Theodore D. Dearing	Partner	St. Louis	2021	\$295	Property dispute
Daniel T. Batten	Attorney	St. Louis	2021	\$250	Property dispute
Elaine M. Bauer	Attorney	St. Louis	2021	\$215	Property dispute
<b>DENTONS US</b>					
Steven M. Aaron	Partner	Kansas City	2021	\$650	Business litigation
Brian K. O'Bleness	Partner	Kansas City	2020	\$615	Business litigation
Betsey Lasister	Associate	Kansas City	2021	\$340	Business litigation
Adriana Grabowski	Paralegal	Kansas City	2021	\$300	Business litigation
Christy Henry	Paralegal	Kansas City	2020	\$285	Business litigation
<b>DOBSON, BERNS &amp; RICH</b>					
Jerome Dobson	Partner	St. Louis	2021	\$550	Employment
Gregory Rich	Partner	St. Louis	2021	\$500	Employment
Jonathan Berns	Partner	St. Louis	2021	\$500	Employment
Jerry Rappold	Paralegal	St. Louis	2021	\$140	Employment
<b>DONNER APPLEWHITE</b>					
Thomas Applewhite	Partner	St. Louis	2020	\$500	Civil Rights
<b>EDELMAN, LIESEN &amp; MYERS</b>					
Alexander Edelman	Partner	Kansas City	2020	\$400	Consumer rights
Katherine Myers	Partner	Kansas City	2020	\$375	Consumer rights
<b>ELLINGER &amp; ASSOCIATES</b>					
Marc Ellinger	Attorney	Jefferson City	2020	\$500	Corporate, litigation, regulatory
Stephanie Bell	Attorney	Jefferson City	2020	\$350	Corporate, litigation, regulatory
Thomas W. Rynard	Attorney	Jefferson City	2020	\$350	Corporate, litigation, regulatory
<b>FOLEY LAW</b>					
Rachel Foley	Attorney	Independence	2021	\$300	Bankruptcy
<b>GOLDSTEIN &amp; PRESSMAN</b>					
Robert A. Breidenbach	Attorney	St. Louis	2020	\$225	Bankruptcy

**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE / HOUR	PRACTICE AREA
<b>GREENSFELDER</b>					
Michael E. Wilson	Partner	St. Louis	2020	\$575	Construction litigation
<b>HERREN, DARE &amp; STREETT</b>					
David Dare	Attorney	St. Louis	2021	\$300	Bankruptcy
<b>HOLLINGSHEAD &amp; DUDLEY</b>					
Jeremy Hollingshead	Partner	St. Louis	2020	\$500	Civil Rights
Nicholas Dudley	Partner	St. Louis	2020	\$500	Civil Rights
John Moffitt	Attorney	St. Louis	2020	\$400	Civil Rights
Benjamin Coudret	Attorney	St. Louis	2020	\$300	Civil Rights
Katie Rhoden	Attorney	St. Louis	2020	\$300	Civil Rights
Taylor Pike	Attorney	St. Louis	2020	\$300	Civil Rights
Jessica Rials	Paralegal	St. Louis	2020	\$150	Civil Rights
Matthew Williams	Law clerk	St. Louis	2020	\$150	Civil Rights
Brandi Cross	Paralegal	St. Louis	2020	\$100	Civil Rights
Melissa Heisner	Paralegal	St. Louis	2020	\$100	Civil Rights
<b>HOLMAN SCHIAVONE</b>					
Anne Schiavone	Partner	Kansas City	2021	\$550	Employment
Aiman Dvorak	Associate	Kansas City	2020	\$300	Employment
<b>HORN, AYLWARD &amp; BANDY</b>					
Tom Bender	Partner	Kansas City	2021	\$600	Class action
Dirk Hubbard	Partner	Kansas City	2021	\$550	Class action
<b>HUGH A. EASTWOOD, ATTORNEY AT LAW</b>					
Hugh Eastwood	Partner	St. Louis	2021	\$475	Civil Rights
<b>JONATHAN STERNBERG, ATTORNEY</b>					
Jonathan Sternberg	Partner	Kansas City	2021	\$425	Unlawful detainer
<b>KENNEDY HUNT</b>					
Thomas E. Kennedy III	Partner	St. Louis	2020	\$350	Agency proceeding
Sarah Jane Hunt	Partner	St. Louis	2020	\$250	Agency proceeding
<b>KIRKLAND WOODS &amp; MARTINSEN</b>					
Michelle M. Burge	Attorney	Overland Park, KS	2020	\$310	Probate
Ali Evans Gottschalk	Attorney	Liberty	2020	\$275	Probate
Bambi Leseberg	Paralegal	Overland Park, KS	2020	\$180	Probate
<b>KOTLYAROV LAW GROUP</b>					
Jason Kotlyarov	Partner	Kansas City	2020	\$325	Consumer rights
<b>KRIGEL &amp; KRIGEL</b>					
Erlene W. Krigel	Managing partner	Kansas City	2021	\$275	Bankruptcy
Dana B. Wilders	Attorney	Kansas City	2021	\$250	Bankruptcy
Ben Varenhorst	Attorney	Kansas City	2021	\$200	Bankruptcy
Jamie Dulle	Paralegal	Kansas City	2021	\$75	Bankruptcy
<b>LAW OFFICE OF JERRY D. RANK</b>					
Jerry D. Rank	Partner	Overland Park, KS	2021	\$225	Business litigation
<b>LAW OFFICE OF MELIKA HARRIS</b>					
Melika Harris	Partner	Lee's Summit	2020	\$300	Consumer rights
<b>LAW OFFICES OF ANNETTE P. HELLER</b>					
Annette P. Heller	Attorney	St. Louis	2021	\$250	Trademark and copyright
<b>LAW OFFICES OF LYLE GREGORY</b>					
Lyle Gregory	Partner	Raymore	2020	\$375	Employment
<b>LEDBETTER LAW FIRM</b>					
Frank Ledbetter	Attorney	St. Louis	2021	\$300	Bankruptcy
David Lunceford	Partner	Lee's Summit	2020	\$600	Employment
Rachel Rutter	Attorney	Lee's Summit	2020	\$375	Employment
Taylor Myers	Attorney	Lee's Summit	2020	\$300	Employment
Kaleb Nielsen	Paralegal	Lee's Summit	2020	\$125	Employment

**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE/HOUR	PRACTICE AREA
<b>MALONEY O'LAUGHLIN</b>					
Amy Maloney	Partner	Seattle, WA	2020	\$500	Employment
<b>MARTIN PRINGLE</b>					
Jerald Enslein	Attorney	Kansas City	2020	\$330	Bankruptcy
<b>MERRICK BAKER &amp; STRAUSS</b>					
Bruce Strauss	Attorney	Kansas City	2021	\$250	Bankruptcy
Victor Weber	Attorney	Kansas City	2021	\$250	Bankruptcy
<b>MICKES O'TOOLE</b>					
Brittany Newall	Senior Associate	St. Louis	2021	\$225	Sunshine Law
Kelley Millaway	Associate	St. Louis	2021	\$220	Sunshine Law
Anne R. Kerns	Partner	St. Louis	2021	\$220	Hancock Amendment litigation
Josh Douglas	Partner	St. Louis	2021	\$195	Hancock Amendment litigation
<b>MILLINGTON, GLASS &amp; LOVE</b>					
Thomas W. Millington	Partner	Springfield	2020	\$280	Trust litigation
Kate Millington	Attorney	Springfield	2020	\$280	Contract litigation
N/A	Legal Assistant	Springfield	2020	\$140	Contract litigation
<b>MURPHY LAW FIRM</b>					
Mark J. Murphy	Partner	Liberty	2021	\$250	Contract litigation
<b>NEWMAN, COMLEY &amp; RUTH</b>					
Ryan McDaniels	Shareholder	Jefferson City	2020	\$300	Fair Labor Standards
Kim Guthrie	Associate	Jefferson City	2020	\$240	Fair Labor Standards
John Brooks	Associate	Jefferson City	2020	\$215	Fair Labor Standards
<b>NORAH J. RYAN, ATTORNEY AT LAW</b>					
Norah J. Ryan	Attorney	St. Louis	2021	\$225	Business law
<b>O'BRIEN LAW FIRM</b>					
Christina Nielsen	Attorney	Lee's Summit	2020	\$600	Employment
<b>OSWALD REW</b>					
Jason K. Rew	Partner	Blue Springs	2021	\$400	Consumer rights
Lisa Horton	Paralegal	Blue Springs	2021	\$125	Consumer rights
<b>PLAYTER TRIAL LAWYERS</b>					
Eric Playter	Partner	Lee's Summit	2020	\$550	Employment
<b>POLSINELLI</b>					
Adam Rehm	Shareholder	Kansas City, Dallas	2021	\$525	Intellectual property
Joy Willard	Paralegal	Kansas City	2021	\$210	Intellectual property
<b>POPHAM LAW FIRM</b>					
Dennis E. Egan	Partner	Kansas City	2021	\$650	Employment
Bert S. Braud	Partner	Kansas City	2021	\$575	Employment
Cooper S. Mach	Associate	Kansas City	2021	\$250	Employment
Nicole Eaton	Paralegal	Kansas City	2021	\$150	Employment
<b>RONALD HOLLIGER, ATTORNEY AT LAW</b>					
Ronald Holliger	Partner	Blue Springs	2021	\$500	Consumer rights
<b>ROUSE FRETS WHITE GOSS GENTILE RHODES</b>					
R. Todd Ehlert	Partner	Leawood, KS	2021	\$350	Business litigation
Brett Randol	Senior Associate	Leawood, KS	2021	\$300	Business litigation
Hank Driskell	Associate	Leawood, KS	2021	\$190	Business litigation
Sharon Pentola	Paralegal	Leawood, KS	2021	\$110	Business litigation
<b>SANDBERG PHOENIX</b>					
Bhavik Patel	Partner	St. Louis	2020	\$420	Trust litigation
Tim Sansone	Partner	St. Louis	2020	\$360	Trust litigation
Clayton G. Kuhn	Partner	St. Louis	2020	\$360	Trust litigation
James R. Ruffin	Associate	St. Louis	2020	\$250	Trust litigation
Michael Lecinski	Associate	St. Louis	2020	\$220	Trust litigation
<b>SANDERS WARREN RUSSELL &amp; SCHEER</b>					
Casey O. Housley	Partner	Overland Park, KS	2021	\$275	Business litigation
S. Jacob Sappington	Partner	Overland Park, KS	2021	\$275	Business litigation
Susan Payne	Paralegal	Overland Park, KS	2021	\$125	Business litigation

**IN-STATE**

NAME	TITLE	CITY	YEAR	RATE/HOUR	PRACTICE AREA
<b>SCHOCK LAW</b>					
W. Bevis Schock	Partner	St. Louis	2021	\$575	Civil Rights
<b>SHERRY DEJANES PC</b>					
Sherry DeJanes	Attorney	Kansas City	2021	\$300	Litigation
<b>SHOOK, HARDY &amp; BACON</b>					
Gabriel Egli	Partner	Kansas City	2021	\$475	FOIA
Marc Shelley	Partner	Kansas City	2021	\$475	FOIA
Megan Egli	Partner	Kansas City	2021	\$475	FOIA
Stephanie Sankar	Partner	Kansas City	2021	\$475	FOIA
Alexandra Sorenson	Senior Associate	Kansas City	2021	\$345	FOIA
Sangeeta Shastry	Associate	Kansas City	2021	\$275	FOIA
<b>SIRO SMITH DICKSON</b>					
Rik Siro	Partner	Kansas City	2021	\$600	Employment
Eric Smith	Partner	Kansas City	2021	\$575	Employment
Athena Dickson	Partner	Kansas City	2021	\$550	Employment
Raymond Dake	Partner	Kansas City	2021	\$425	Employment
Ryan McEnaney	Attorney	Kansas City	2021	\$325	Employment
Diane McGrew	Paralegal	Kansas City	2021	\$150	Employment
Dominick Vallejo	Paralegal	Kansas City	2021	\$150	Employment
Michelle Haughey	Legal Secretary	Kansas City	2021	\$150	Employment
<b>SPENCER FANE</b>					
David Zimmerman	Partner	Overland Park, KS	2021	\$600	Bankruptcy
Eric Johnson	Partner	Kansas City	2021	\$480	Bankruptcy
Andrea Chase	Associate	Kansas City	2021	\$340	Bankruptcy
Lisa Wright	Director of administration	Kansas City	2021	\$250	Bankruptcy
Camber Jones	Associate	Springfield	2020	\$240	Bankruptcy
Taylor M. Chase	Associate	Kansas City	2020	\$220	Bankruptcy
Kerry B. Noe	Legal investigator	Kansas City	2020	\$175	Bankruptcy
Sarah Estlund	Paralegal	Kansas City	2021	\$175	Bankruptcy
Lisa Wright	Director of administration	Kansas City	2020	\$150	Bankruptcy
Sarah Estlund	Paralegal	Kansas City	2020	\$150	Bankruptcy
Felecia Morris	Paralegal assistant	Kansas City	2020	\$125	Bankruptcy
<b>STEWARD LAW FIRM</b>					
John S. Steward	Partner	Chesterfield	2021	\$550	Hancock Amendment litigation
<b>SUMMERS COMPTON WELLS</b>					
David A. Sosne	Principal	St. Louis	2021	\$395	Bankruptcy
Brian J. LaFlamme	Principal	St. Louis	2021	\$350	Bankruptcy
Christy L. Hauck	Paralegal	St. Louis	2021	\$150	Bankruptcy
<b>TGH LITIGATION</b>					
Andy Hirth	Partner	Columbia	2021	\$500	Employment
Joanna Trachtenberg	Partner	Columbia	2021	\$500	Employment
Raya Moore	Paralegal	Columbia	2021	\$100	Employment
AnnaLisa LaBoube	Paralegal	Columbia	2021	\$100	Employment
Elizabeth Weaver	Law clerk	Columbia	2021	\$100	Employment
Erica Woods	Paralegal	Columbia	2021	\$100	Employment
<b>THE LAW OFFICE OF BORIS GRAYPEL</b>					
Boris Graypel	Attorney	St. Louis	2020	\$325	Consumer rights
<b>THE OLSEN LAW FIRM</b>					
Jill Olsen	Attorney	Liberty	2021	\$300	Bankruptcy
<b>THE WILLIAMS LAW FIRM OF THE LAKE OF THE OZARKS</b>					
Zane G. Williams	Partner	Lake of the Ozarks	2020	\$350	Securities litigation
Kristi Kline	Paralegal	Lake of the Ozarks	2020	\$150	Securities litigation
<b>THOMPSON COBURN</b>					
Brian Hockett	Partner	St. Louis	2020	\$356	Financial restructuring
Ryan Prisock	Associate	St. Louis	2020	\$212	Financial restructuring

## IN-STATE

NAME	TITLE	CITY	YEAR	RATE/HOUR	PRACTICE AREA
THURMAN, HOWARD, WEBER, SENKEL & NORRICK					
Brandon T. Moonier	Partner	Hillsboro	2021	\$250	Contract litigation

## TIEMAN, SPENCER & HICKS

Joel S. Hane	Associate	St. Joseph	2020	\$200	Contract litigation
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## VAN MATRE LAW FIRM

Thomas M. Harrison	Attorney	Columbia	2021	\$300	Contract litigation
Brian Hajicek	Shareholder	Columbia	2021	\$275	Contract litigation
Joshua Sieg	Attorney	Columbia	2021	\$195	Contract litigation

## WHITE, GRAHAM, BUCKLEY, & CARR

William Carr	Partner	Independence	2021	\$550	Class action
Bryan White	Partner	Independence	2021	\$500	Class action

## WILLIAMS LAW FIRM

Michael Williams	Partner	Kansas City	2021	\$550	Employment
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## WM LAW

Errin Stowell	Attorney	Kansas City	2021	\$300	Bankruptcy
G. Addam Fera	Attorney	Kansas City	2021	\$300	Bankruptcy
Jeffrey L. Wagoner	Attorney	Kansas City	2021	\$300	Bankruptcy
Ryan A. Blay	Attorney	Kansas City	2021	\$300	Bankruptcy
Ana Van Noy	Paralegal	Kansas City	2021	\$125	Bankruptcy
Betsy Hayman	Paralegal	Kansas City	2021	\$125	Bankruptcy
Douglas Sisson	Paralegal	Kansas City	2021	\$125	Bankruptcy

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# Missouri Lawyers WEEKLY

# **Exhibit C to Declaration of James F. Bennett As To Reasonableness of Attorneys' Fees**



## Charles C. Eblen

Partner

Kansas City

[ceblen@shb.com](mailto:ceblen@shb.com)

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### Industries

Fire Protection and Alarms

### Practices

Antitrust and Trade Regulation,  
Appellate,  
Product Liability,  
Mass Tort,  
Privacy and Data Security,  
White Collar Defense and Government Investigations,  
Litigation

Charlie is a versatile and adaptive trial and appellate lawyer who represents clients in high-stakes cases in jurisdictions across the United States. As clients have described him, “He is one of the top young trial lawyers in the country [routinely] tapped to try cases that are ten to a hundred million dollars, if not more. He is in high demand and extraordinarily effective.”

Recent examples include three first-chair trial victories as a plaintiff’s lawyer, including a \$4 million jury verdict in a 2019 Lanham Act case in the Southern District of Florida. In another case, Charlie obtained a \$10 million settlement on the third day of trial in federal court in West Palm Beach, Florida. As lead defense counsel, he obtained a defense verdict in a \$50 million data breach trial in Miami federal court that lasted three weeks and eventually resulted in a post-trial \$1.75 million attorney’s fee recovery.

As an appellate lawyer, Charlie has had several adverse jury verdicts reversed on appeal. For example, in a

\$5 million consumer fraud case in Dallas County, Texas, the appellate court reversed the verdict and entered judgment for Charlie's client. Charlie also has obtained defense verdicts in Brooklyn, New York; Portland, Oregon; northern California; New Jersey; Houston, Texas; and southern Missouri, among other jurisdictions.

Charlie has also been lead counsel in consequential cases in appellate courts across the country. He has argued more than 30 appeals in more than 15 different state and federal appellate courts. Moreover, one of his federal appeals is included in a prominent casebook on tort law. His work has also resulted in the reversal of two civil jury verdicts and one federal criminal conviction. Charlie's experience in the appellate court have helped him develop the ability to identify legal issues that leverage better outcomes for his clients, not only as a courtroom lawyer, but as a business adviser.

Recognized for his trial and appellate abilities, Charlie is a fellow in the American College of Trial Lawyers. The College is composed of preeminent members of the Trial Bar from the United States and Canada and is recognized as the leading trial lawyers organization in both countries. Membership can never be more than 1% of the total lawyer population of any state or province. Consideration for Fellowship requires lawyers must be actively engaged in trial work as their principal activity for a minimum of 15 years. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics and the administration of justice.

Charlie is currently national trial and appellate counsel for a several multinational corporations. He has defended a range of clients in matters involving a wide variety of subjects, including the defense of international corporations in antitrust and RICO litigation; federal criminal and civil rights litigation on behalf of those unable to afford representation; complex commercial matters; as well as consumer protection, mass tort, catastrophic injury/wrongful death, class action and product liability matters for many different industries.

Charlie also manages entire case dockets under alternative fee arrangements, and has served as in-house counsel overseeing hundreds of cases across the United States. His case management and in-house counsel experience gives him insight into not only the litigation needs of his clients, but also their business needs, allowing him to fully understand a client's objectives and the big picture of how litigation and business operations affect each other.

## **Representative Matters**

### **Recent Trials**

*Hill v. Advanced Correctional Healthcare, Inc.*, in the United States District Court for the Eastern District of Missouri Eastern Division, \$8.5 million plaintiff verdict, including punitive damages in prisoner rights case.

*ADT LLC v. Alder LLC*, USDC for Southern District of Florida (West Palm Beach). \$4 million plaintiff verdict, including punitive damages.

*ADT LLC v. Vivint, Inc.*, USDC for Southern District of Florida (West Palm Beach). \$10 million settlement on third day of trial.

*National Union v. Tyco Integrated Security*, USDC for Southern District of Florida (Miami). Defense verdict as first chair in \$50 million data breach trial resulting in \$1.75 million attorney's fee recovery.

*Dryer v. Scott Technologies*, Madison County, New York (2015). First-chair in five-week \$50 million high-profile product liability trial involving burn and amputation injuries to a firefighter.

*Nooter Corp. v. Evanston Ins. Co.*, St. Louis City, Missouri (2014). Three-week jury and declaratory judgment trial involving \$100 million commercial and insurance issues.

*Bohl v. ADT Sec. Services, Inc.*, Somerset County, New Jersey (2014). (defense verdict in permanent disability claim).

*Millwood Golf & Racket v. SimplexGrinnell*, Greene County, Missouri (2013) Defense verdict in \$3 million commercial kitchen fire.

*Roman v. ADT Sec. Services, Inc.*, Kings County, New York (Brooklyn) (2013). Defense verdict in 10-day trial claiming permanent disability from electrical accident.

*Valbruna Stainless Steel v. ADT Sec. Services, Inc.*, Harris County, Texas (Houston) (2012). Defense verdict in fraud/consumer protection state court trial; favorable directed verdict on breach of contract counterclaim.

*Parker-Hendrickson v. Rodriguez*, Monmouth County, New Jersey (2011) Defense verdict in permanent disability case involving commercial truck/pedestrian accident).

*Nacol & Associates v. ADT Sec. Services, Inc.*, USDC for Southern District of Texas (Houston) (2011). Jury verdict in \$1.8 million exposure consumer fraud case remitted to \$1,000.

*PaciCorp v. SimplexGrinnell*, Multnomah County, Oregon (2010). Defense verdict in case involving electrical engineering issues following power plant accident.

*Traveler's Indemnity v. SimplexGrinnell*, Placer County, California (2009). Defense verdict in multimillion-dollar case involving restaurant fire.

## Appeals

*Watermark v. Morrison, Inc.*, 905 F.3d 421, (6th Cir. 2018). Affirming issue of first impression regarding collateral estoppel in wrongful-death case.

*Heeter v. ADT LLC*, (3d Cir. July 24, 2017). Affirming wrongful death case for lack of proximate cause.

*ADT Sec. Services, Inc. v. Van Peterson*, --- So.3d --- (2016). Reversal of seven-figure DTPA verdict with entry of judgment for client.

*Barko Hydraulics, LLC v. Shepherd*, 167 So.3d 304 (2014). Reversal of adverse jury verdict.

*Davis v. Brickman Landscaping, Ltd.*, 219 N.J. 395 (2014). Reinstating summary judgment on expert issues in \$10 million case where two minors died.

*Nirvana v. ADT Sec. Services Inc.* 881 F. Supp. 2d 556 (S.D.N.Y. 2012), aff'd (2d Cir. 2013). Affirming dismissal of \$3 million tort and fraud theories.

*ADT Sec. Services, Inc. v. Van Peterson Fine Jewelers*, 390 S.W.3d 603 (Court of Appeals of Texas, Dallas, 2012). Interlocutory appeal reversing denial of summary judgment on four claims.

*Core-Mark Midcontinent, Inc. v. Sonitrol Corp.*, 300 P.3d 963 (2012 COA 120). Vacating jury award based on erroneous exclusion of expert witnesses.

*Valenzuela v. ADT Sec. Services, Inc.*, 475 Fed. Appx. 115 (9th Cir. 2012). Affirming summary judgment on tort and fraud claims.

*Greenspan v. ADT Sec. Services, Inc.*, 444 Fed. Appx. 566, 2011 WL 4361530. Affirming favorable summary judgment order and reversing sole adverse ruling.

*United States v. Taylor*, 636 F.3d 461, (8th Cir. Feb. 18, 2011). Reversing denial of motion to suppress evidence obtained during automobile search that violated Fourth Amendment.

*Spengler v. ADT Sec. Services, Inc.*, 505 F.3d 456 (6th Cir. 2007). Affirming summary judgment in wrongful death case, creating significant industry precedent.

*Synnex Corp. v. ADT Sec. Services, Inc.*, 394 N.J. Super. 577 (App. Div. 2007). Dismissal of jury verdict.

*United States v. Aldridge*, 413 F.3d 829 (8th Cir. 2005). Vacated unconstitutional sentence, ultimately resulted in a significant reduction; affirmed conviction over dissent.

*Johnson v. Blaukat*, 453 F.3d 1108 (8th Cir. 2006). Reversal of adverse grant of summary judgment in civil rights case.

## **Publications**

Charles C. Eblen & Kristina L. Burmeister, *Minimize Liability in Freeze and Burst Lawsuits*, Fire Protection Contractor, December 2013, at 28.

Charlie Eblen & Aaron Kirkland, *Maximize Your Contract's Exculpatory Provisions*, Law360, July 15, 2013.

Paul A. Williams, Charles C. Eblen & Kristina L. Burmeister, *Minimizing Tort Liability With The Right Terms*, Law360, Feb. 28, 2012.

Charles C. Eblen, *Defining the Geographic Market in Modern Commerce: The Effect of Globalization and E-Commerce on Tampa Electric and its Progeny*, Baylor Law Review, December 2004.

## **Media**

Federal Jury in St. Louis Awards \$8.5 Million in Health Care Jail Crisis, *St. Louis Post-Dispatch*, May 28, 2022.

Woman prevails in claims of providers failing to care for, diagnose her late brother's cancer in jail, *Missouri Lawyers Weekly*, June 7, 2022.

## **Bar Admissions**

- Missouri

- New Jersey
- U.S. District Court, District of Kansas
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Missouri
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Supreme Court

## **Languages**

- Spanish

## **Education**

- J.D., *cum laude*, Tulane University Law School, 2003
- Universidad de Ramon Llull-ESADE, Barcelona, Spain, 2002
- B.A., high honors, Truman State University, 2000

## **Awards**

- Acritas Stars
- America's Top 100 Civil Defense Litigators (2019)
- 40 & Under Hot List, *Benchmark Litigation* (2016-2019)
- *Benchmark Litigation: The Definitive Guide to America's Leading Litigation Firms and Attorneys:*
  - Future Star (2018-2022)
- *Law360* Rising Star, Trials (2016)
- *Missouri & Kansas Super Lawyers* (2013-Present)
- Rising Stars, *Missouri & Kansas Super Lawyers* (2010)
- Up and Coming Lawyer, *Missouri Lawyers Weekly* (2009)

## **Memberships**

- American College of Trial Lawyers, Fellow
- American Bar Foundation, Fellow
- American Board of Trial Advocates
- International Academy of Trial Lawyers, Fellow (pending)
- Litigation Counsel of America, Fellow
- Missouri Coalition for the Right to Counsel, Board Member (2018)

## **Firm Committees**

- Pro Bono Committee



## Brandon Gutshall

Partner

Kansas City

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### Industries

Automotive,  
Design and Construction

### Practices

Product Liability,  
Automotive Litigation,  
Mass Tort

Brandon focuses his practice on building strong, lasting relationships with his clients. He prides himself on collaborating with clients to understand their business needs so that he can align client and firm interests to achieve better legal outcomes at an exceptional value. He is accessible and responsive, and he defends his clients' interests as if they were his own.

Brandon represents clients in product liability, premises liability, negligence, fraud, breach of contract and warranty actions in state and federal courts throughout the country. His experience includes representing clients in a variety of high-stakes matters involving: autonomous vehicles/equipment, construction equipment, jobsite accidents, cargo securement devices, trucking regulations and accidents, HVAC systems, fire protection systems, security alarm systems, automobiles and component parts, industrial accidents, farm and forestry equipment, educational institutions, contractual disputes, the adequacy of medical care and insurance coverage disputes.

Brandon manages large dockets of cases and personally handles all aspects of his matters from the initial case pleadings through trial. His diverse experiences allow him to assist clients of all sizes to proactively

manage risk and creatively solve problems. To that end, Brandon regularly performs litigation risk assessments in which he counsels clients. He identifies liability risks and works with clients to minimize them, so that they will be in a better position to effectively and efficiently defend against litigation if it occurs.

## Representative Matters

Brandon serves as National Product Liability Counsel for a privately held \$2 billion company with more than 40 separate operating entities in diverse economic sectors. In 2013, Brandon worked with this client to implement a legal services efficiency model to measure the value and true cost of legal services provided by its law firms. Brandon and his team were identified by this company as its most efficient and value-adding firm with an efficiency rating of over 90 percent. In 2015, the Association of Corporate Counsel recognized this company and Shook as ACC Value Champions for their work to improve legal outcomes, reduce costs, decrease case outcome variation, and improve the efficiency and value of legal services.

Brandon presented on these topics at the Champions Dinner during the 2015 ACC Conference.

*Hill v. Advanced Correctional Healthcare, Inc.*, in the United States District Court for the Eastern District of Missouri Eastern Division, \$8.5 million plaintiff verdict, including punitive damages in prisoner rights case.

*Builder Servs. Grp., Inc. v. Taylor*, No. 03-18-00710-CV, 2020 WL 5608484 (Tex. App. Sept. 17, 2020), review denied (Sep. 3, 2021). Reversed \$1 million jury verdict with judgment rendered in favor of client for costs incurred in both trial and appellate court.

*STOP Restoration v. Williams Insulation (TopBuild)*, Circuit Court of Ray County, Missouri (2020), successful result in a toxic tort case involving spray polyurethane foam insulation, following five hours of deliberation after a three-week trial

*Diluzio v. Kinedyne, LLC, et al.*, Burlington County, New Jersey (2017), favorably settled during jury selection - wrongful death case involving claims of defects in truck cargo products

Coordinate appeal to have insurer's denial of Stage IV cancer patient's treatment reversed (2014)

*Shepherd v. Barko Hydraulics, LLC*, Bulloch County, Alabama (2013) (jury trial - commercial fraud and warranty issues – plaintiff verdict vacated on appeal)

*Parker-Hendricksen v. Rodriguez, et al.*, Monmouth County, New Jersey (2011) (jury trial – defense verdict in permanent disability case involving commercial truck/pedestrian accident)

*Davis v. Advanced Store Co., Inc.*, Jackson County, Missouri (2010) (bench trial – defense verdict in defective product case involving automobile component parts).

*Wardrop v. Pyle Transport Services, Inc. et al.*, Philadelphia County, Pennsylvania (2010) (leverage indemnification and insurance procurement provisions to procure complete defense, indemnity, and reimbursement of legal fees for client in multimillion-dollar wrongful death case)

*Sutherland v. Allied Tube, et al.*, Cook County, Illinois (2012) (use targeted discovery to locate previously missing contract and use contract to leverage indemnification and insurance procurement provisions to obtain complete defense and indemnity for client in multimillion-dollar wrongful death suit)

## Publications and Presentations

*Quick Hit: The Technology of Autonomous Vehicles*, DRI Women in the Law Seminar, San Diego, California, January 2019.

*Connected Technology: Autonomous Vehicles and Getting From Here to There*, Panel, DRI Women in the Law Seminar, San Diego, California, January 2019.

*Autonomous Vehicles: Liability and Implications*, Association of Equipment Manufacturers' Product Liability Seminar, Des Moines, Iowa, May 2, 2019.

*Autonomous Vehicles and Product Liability Laws*, Kansas City Legal Secretary Association, Kansas City, Missouri, November 2018.

*Product Liability Training: Loss Control*, Confidential Client Presentation, June 4, 2018.

*Assessing Product Liability Risk Across the Company – Where to Look and What to Look For*, Association of Equipment Manufacturers Product Liability Seminar, Chicago, Illinois, April 26, 2018.

*Product Liability in an Autonomous Equipment World – Unsettled Law*, Association of Equipment Manufacturers Product Liability Seminar, Chicago, Illinois, April 26, 2018.

*Proactively Mitigating Product Liability Risks to More Efficiently and Effectively Defend Litigation*, Association of Wire Rope Manufacturers 2018 Spring General Conference, Scottsdale, Arizona, April 24, 2018.

*Adding Value to Your Clients: How to Self-Audit Existing Contracts to Enhance Legal Protections in Light of Business Realities*, Webinar, Association of Corporate Counsel's Colorado Consumer & Product Liability Practice Group, March 28, 2018.

*Autonomous Vehicles and Product Liability Laws*, Confidential Client Presentation, February 2018.

Brandon Gutshall, Douglas Robinson, and Gabriel Spooner, *When Cranes Collapse, Cos. Don't Have To Follow*, Law360, May 10, 2016.

*Web Sling & Tie Down Association Annual Meeting*, Vancouver, Canada, May 4-7, 2015.

*Products Liability in Practice*, Guest Speaker Presentation to Products Liability Class at UMKC School of Law, 2011-2013.

*Recent Medicare Litigation, What Your Client Should Know*, SHB In-House Presentation, October 2010.

Brandon Gutshall, *A New Uniform: NCAA Policy and Student-Athlete Misconduct*, 76 UMKC L. Rev. 727 (2008).

## Media coverage

Woman awarded \$8.5 M after her brother dies of cancer in jail, *Missouri Lawyers Weekly*, June 7, 2022.

Federal Jury in St. Louis Awards \$8.5 Million in Health Care Jail Crisis, *St. Louis Post-Dispatch*, May 28, 2022.

“Up and Coming Lawyers”, Missouri Lawyer Media, August 2, 2021

## Bar Admissions

- Missouri
- U.S. District Court, District of Kansas
- U.S. District Court, Western District of Missouri
- U.S. District Court, Western District of Wisconsin

## Education

- J.D., *summa cum laude*, University of Missouri – Kansas City, 2009
  - Academic Excellence Award (graduated first in class)
  - Charles E. Whittaker Award for Academic Excellence
  - UMKC Law Review*, Editor-In-Chief
  - UMKC Legal Research and Writing Program, Teaching Assistant
  - National Trial Advocacy Team
  - Moot Court
  - Urban Lawyer*, Staff Member
  - Intern to The Hon. Scott O. Wright of the U.S. District Court for the Western District of Missouri
- B.B.A., *summa cum laude*, University of Missouri – Kansas City, 2005

## Awards

- Rising Star, *Missouri & Kansas Super Lawyers*
- “Up and Coming Lawyers,” Missouri Lawyers Media (2021)

## Memberships

- American Bar Association
- Kansas City Metropolitan Bar Association
- Missouri Organization of Defense Lawyers
- Ross T. Roberts Inn of Court Program (2010-2011)
- The Missouri Bar

## Community Involvement

- Little League Baseball Coach (2010-Present)
- Missouri Organization of Defense Lawyers Trial Academy (2013)
- Platte County R-3 School District, Elected School Board Member (2012-2015)
- City of Platte City, Planning and Zoning Board Member (2010-2012)



**Lindsey K. Heinz**  
Co-Chair, Food, Beverage &  
Agribusiness Practice Group  
Kansas City

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## **Industries**

Animal Health and Nutrition,  
Pharmaceutical and Medical Device

## **Practices**

Product Liability,  
Tobacco,  
Class Action and Complex Litigation,  
Consumer Goods and Services,  
FTC,  
Cannabis Law,  
Mass Tort,  
Florida/Eleventh Circuit Team,  
FDA and Regulatory Guidance

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Lindsey's practice focuses on complex product liability and consumer protection litigation, as well as regulatory counseling for consumer product companies. Lindsey believes the best way to protect her clients' business interests is to employ both offensive and defensive strategies. Thus, in addition to her litigation and regulatory experience, Lindsey helps her clients assess and manage the inherent risks of business to minimize future litigation and enforcement threats.

Lindsey has litigated both individual and complex tort cases in state and federal courts throughout the country. She has experience in all stages of litigation, including case strategy and development,

depositions, expert witness preparation, motion practice and trial. She also defends corporations facing class action claims, particularly those involving allegations of false and misleading marketing, and she has successfully defended her clients against class certification.

Lindsey also draws on her litigation experience to anticipate legal issues that her clients may face before a complaint is filed. She is uniquely familiar with the day-to-day business issues faced by her clients, including the complicated business decisions that precede the manufacture, marketing and sale of a product. As an attorney, Lindsey was seconded with a *Fortune* 500 company, and before she entered law school, worked as an account executive for an advertising agency. These experiences, coupled with her litigation work, have enabled Lindsey to identify potential liabilities in marketing strategies before they are implemented. Lindsey has significant experience in advertising and marketing law, advising her clients on issues ranging from claim substantiation and general FTC compliance to strategies for managing user-generated content. Lindsey also counsels her clients on the effective and legally-compliant use of nontraditional media, including social media, native advertising, e-commerce, and the use of influencers and affiliates.

Lindsey also regularly advises her clients on regulatory compliance, enforcement, and policy matters involving FDA-regulated products. In this role, Lindsey works closely with her clients to identify the business decisions necessary for her clients to remain competitive in the marketplace while still responsibly complying with regulatory requirements and preserving brand image and consumer goodwill. As part of her regulatory practice, Lindsey has counseled her clients through label reviews and updates, responses to FDA and USDA inspector requests, product recalls and market corrections, responses to warning letters, U.S. Customs issues, and generation of employee training documents and consumer-facing communications.

## Publications

Katie Gates Calderon, Lindsey Heinz and Hillary Nicholas, *Can You Stop Photography During an FDA Inspection?*, Law360, September 1, 2017.

Katie Gates Calderon, Elizabeth Fessler and Lindsey Heinz, *Dairy Vs. Plant-Based 'Milks': A Regulatory Standoff*, Law360, August 24, 2017.

Lindsey Heinz & Bridget Halbur, *Cleaning Product Right to Know Act Appears to be Moving Forward*, Daily Journal, July 17, 2017.

Scott Kaiser, Jennifer Blues and Lindsey Heinz, *Strategies for Moving to Strike Class Allegations*, Law360, Sep. 4, 2012.

Lindsey K. Heinz, “Please, Don’t Shoot My Daughter!” Is There Legal Support for State-compelled HPV Vaccination Laws? Why Ethical, Moral, and Religious Opposition to These Laws May Be Jumping the Gun, 56 U. Kan. L. Rev. 913 (2008).

## Presentations

Lindsey K. Heinz and Elizabeth Fessler, *The Beef with Fake Meat*, Update of the Law, Shook, Hardy & Bacon, Kansas City, Missouri, June 12, 2020.

Lindsey K. Heinz, Katie Calderon, Bill Geraghty, and Tammy Webb, *Lessons Learned from Past Litigation, The Way Forward, and Best Practices for Company Communications*, Client Presentation, February 25, 2020.

Lindsey K. Heinz and Elizabeth Fessler, *Legal Trends Series: Cell-Based Meats*, Shook, Hardy & Bacon,

Kansas City, Missouri, February 20, 2020.

Lindsey K. Heinz and Elizabeth Fessler, *Written Communications: Best Practices*, Client Presentation and Training, December 13, 2019.

Lindsey K. Heinz and Elizabeth Fessler, *Regulatory Inspection Training*, Client Presentation and Training, July 1-2, 2019.

Michael Barnett, Lindsey Heinz and James Muehlberger, *The Cannabis Conundrum: The Evolving Landscape and Risk Mitigation for Hemp & CBD*, Webinar, June 18, 2019.

Michael Barnett, Katie Gates Calderon, Lindsey Heinz and Paul Williams, *Navigating the Cannabis Conundrum*, Update of the Law, Kansas City, Missouri, June 13, 2019.

Lindsey Heinz and Elizabeth Fessler, *Legal Ins & Outs of Food Advertising*, Podcast, May 2019.

Lindsey K. Heinz and Matthew R. Dornauer, *Managing Social Media Marketing Campaigns Related to Food Products*, American Conference Institute Food Advertising and Marketing Law Master Symposium, Chicago, April 11, 2019.

Lindsey K. Heinz, *Roundtable Discussion on Legal Issues for Organic Products*, GMA 2018 Legal Conference, New Orleans, Louisiana, February 27, 2018.

Katie Calderon and Lindsey Heinz, *Food Regulations: What's Today's Special?*, Update of the Law, Kansas City, Missouri, June 2017.

Lindsey K. Heinz, *Marketing Trends and Pitfalls: innovative marketing and FTC disclosure challenges*, Client Presentation, June 2017.

Lindsey K. Heinz, *Developing Responsible Marketing Practices for Products Intended for Adults*, Client Presentation, May 2016.

Jennifer Blues and Lindsey Heinz, *Motions to Strike Class Allegations – Recent Trends & Practice Pointers*, May 2012.

## Media Coverage

*Woman Awarded \$8.5 M After Her Brother Dies of Cancer in Jail*, Missouri Lawyers Weekly, June 7, 2022.

*Federal Jury in St. Louis Awards \$8.5 Million in Health Care Jail Crisis*, St. Louis Post-Dispatch, May 28, 2022.

## Bar Admissions

- Florida
- Missouri
- U.S. District Court, Middle District of Florida
- U.S. District Court, Western District of Missouri

## Education

- J.D., University of Kansas School of Law, 2009
  - Kansas Law Review, Managing Editor
  - Moot Court Council
  - Student Clerk to The Hon. Janice M. Karlin, U.S. Bankruptcy Court, District of Kansas
  - Kansas Law Moot Court Competition, Finalist ([argued before U.S. Supreme Court Chief Justice John Roberts](#))
  - National Moot Court Competition, Finalist, Best Respondent Brief (Region IX)
  - Justice Lloyd Kagey Leadership Award
  - James P. Mize Trial Advocacy Award
  - Family Fund Award (for outstanding achievement in an appellate advocacy competition)
- B.A., University of Kansas, 2004

## Awards

- JD Supra Readers' Choice Award
- Top Author in Food and Beverage (2020, 2022)
- Rising Star, *Missouri and Kansas Super Lawyers* (2016-2017)

## Memberships

- American Bar Association
- Kansas City Metropolitan Bar Association

## Community Involvement

- Greater Kansas City Chamber of Commerce Centurions Leadership Program, Alumna
- Kansas City Friends of Alvin Ailey, Board Member



## Andre D. Tinoco, Jr.

Associate

Kansas City

[atinoco@shb.com](mailto:atinoco@shb.com)

*Direct:* 816.559.2931

*Main:* 816.474.6550

*Fax:* 816.421.5547

### Practices

Product Liability,  
Tobacco

Andre is a litigator who defends companies against complex product liability actions in courts throughout the country and specializes in smoking-and-health litigation. To provide the most effective, efficient, and innovative solutions to his clients, Andre strives to develop a significant amount of knowledge in all phases of litigation.

As an associate on case teams that handle *Engle*-Progeny cases in Florida and smoking-and-health cases in Nevada, Andre is responsible for the pre-trial preparation of numerous cases. His responsibilities include developing overall case strategy, ensuring compliance with pre-trial deadlines, responding to pleadings, and responding to and drafting written discovery requests. Andre also identifies and deposes fact witnesses.

Andre also spends a significant amount of time analyzing and briefing complex legal issues as an associate in Shook's Legal Issues Group. Since 2018, Andre has drafted hundreds of pre-trial and post-trial briefs in smoking-and-health cases. His concise and effective writing has resulted in favorable outcomes for his clients by excluding unreliable expert testimony and disposing of meritless claims in their entirety. Andre also routinely provides around-the-clock remote legal issues support to trial teams in smoking-and-health cases.

As a member of multiple trial teams, Andre has substantial experience preparing trial strategy plans, opening statements, closing arguments, direct-examinations, cross-examinations and deposition designations.

In addition to his product liability work, Andre is dedicated to pro bono and has had the privilege of representing individuals in several section 1983 lawsuits. Andre has also served as a supervising attorney for Shook's summer associate program and mentors junior associates.

During law school, Andre served as a judicial intern for The Hon. Robert E. Larsen, Magistrate Judge for the U.S. District Court for the Western District of Missouri. He also completed an externship with the Department of Justice at the U.S. Attorney's Office for the Western District of Missouri. Andre was chosen as a Shook Diversity Writing Scholar in the fall of 2015. He also received numerous awards for his in court advocacy in moot court and mock trial competitions.

## Bar Admissions

- Missouri
- U.S. District Court, Western District of Missouri

## Education

- J.D., University of Missouri—Kansas City, 2017
  - Intern for The Hon. Robert E. Larsen, Magistrate Judge for the U.S. District Court for the Western District of Missouri
  - Intern for the U.S. Attorney's Office for the Western District of Missouri (Narcotics and Violent Crimes)
  - Keynote speaker at the University of Central Missouri's First Generation College Career Summit in 2018
  - Dean's List
  - Shook, Hardy & Bacon Diversity Writing Scholar
  - Max Foust Advocacy Scholarship
  - Diversity Merit Scholarship
  - American Jurisprudence Appellate Advocacy Award
  - National Moot Court Team
  - Ellison Moot Court Competition
  - Robert D. DeWitt Best Brief Award
  - John Sheridan Award
  - Top Section Moot Court Advocate, Lawyering Skills II
  - Hispanic Law Students Association
- B.S., *cum laude*, University of Central Missouri, 2014 (Criminal Justice)
  - Mock Trial Team, Captain
  - Top Attorney Awards - Illinois State; St. Olaf; and Creighton University
  - City of Fountains Regional Tournament, First Place
  - Opening Round National Championship Qualifier
  - Student Government Association
  - National Conference on Ethics in America, Delegate
  - Alumni Association Board of Directors, Student Representative

## Memberships

- Hispanic Bar Association of Greater Kansas City



## Sangeeta Shastry

Associate

Kansas City

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### Practices

Product Liability,

Litigation,

Tobacco

Sangeeta focuses her practice on product liability, where she handles matters at every phase from initial client counseling to preparation for appeal.

Before joining Shook, Sangeeta clerked for the Hon. Daniel D. Crabtree, Judge of the U.S. District Court for the District of Kansas. She also interned for the ACLU Foundation of Kansas and served as a research assistant during law school. Before beginning law school, she interned for the Midwest Innocence Project, where her work included the case of Dale Helmig, who was exonerated in 2011 after serving nearly 15 years in prison for murder.

Before entering the legal profession, Sangeeta worked as a journalist, completing internships with *The Kansas City Star*, KCUR-FM and working as a social media manager for the University of Missouri – Columbia School of Law.

### Bar Admissions

- Missouri

### Education

- J.D., University of Kansas School of Law, 2018

Order of the Coif

*University of Kansas Law Review*, Articles Editor

Moot Court Council

Burton D. Wechsler First Amendment Moot Court Competition, First Place and Best Oralist

Family Fund Award

Dean's Fellow

Dean's Diversity Leadership Council

Student Ambassador

Extern for U.S. District Judge Daniel D. Crabtree

- B.A., *magna cum laude*, University of Missouri - Columbia, 2012 (Journalism and Political Science)

Society of Professional Journalists' Mark of Excellence Award

Missouri Press Association Award

Diversity Peer Educator

Journalism Ambassador

## Clerkships

- Clerk to the Hon. Daniel D. Crabtree, Judge of the U.S. District Court for the District of Kansas



## Hannah M. Smith

Associate

Kansas City

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## Practices

Litigation

Hannah works within the General Liability Litigation Practice representing clients from various industries facing legal issues. In addition to her J.D. and legal experience, Hannah is a certified public accountant and earned a master's degree of accountancy. Before law school, Hannah was employed with a Big Four accounting firm, primarily working on an audit engagement team in the health care industry. Hannah's education and experience in accounting and business combined with her legal acumen allow her to serve clients across a spectrum of industries and give her insight to strategize how to best protect clients from litigation that could jeopardize their businesses.

## Bar Admissions

- Missouri
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri

## Education

- J.D., *summa cum laude*, University of Arkansas School of Law, 2021  
*Arkansas Law Review*, Staff Editor  
Outstanding Academic Achievement Award (Graduated First in Class)  
Judge Thomas F. Butt Legal Excellence Award in Legal Writing
- MAcc, Master of Accountancy, The University of Tulsa, 2016  
Outstanding Accounting Graduate Award  
Outstanding MAcc Student Award

- BSBA, Bachelor of Science in Business Administration, Accounting, The University of Tulsa, 2015
- Judicial Extern for the Honorable Stephen R. Bough, Western District of Missouri, January – April 2021
- Law Clerk, Benton County Prosecutors Office, September 2019 – August 2020

## Certifications

- Certified Public Accountant